223. It shall be lawful for the Lieutenant-Governor to invest all or any of the members of a Jurisdiction of a punpunchayet with powers described in Section 200 of this Act so far as the same are applicable. Two or more of the members so invested may thereafter sit together under such bye-laws as to rotation, days of sitting, and place of sitting, as the Magistrate may from time to time prescribe, and so sitting shall have jurisdiction within the limits of their municipality.

All the provisions of the said section with respect to Commissioners shall apply to members of a punchayet invested with powers as aforesaid so far as the said provisions are or may be appli-

PART XIII.

MISCELLANEOUS.

224. Every bill, notice, schedule, summons, or notice of demand, regarding Service of notice. Service of notice.

any assessment, rate, or tax or any money due in respect of the same, may be served personally upon the person to whom the same is assessed, or be left at his usual place of abode with some adult male member or servant of his family, or if it cannot be so served, may be put up on some conspicuous part of such place of abode, and shall thereby be deemed to be duly served.

Provided that, if the place of

abode of the owner of any house, building, or land in respect of which a rate is assessed be unknown, or if the owner of any such house, building, or land be not resident within the limits of the place, every such bill, notice, summons, or notice of demand, shall be deemed to have been duly served, if put up on some conspicuous part of the house, building, or land in respect of which the rate is assessed.

225. No assessment, and no charge or demand

of a rate or tax made under Assessment not to be impeached if the directions of the Act are in substance complied with. the authority of this Act shall be impeached or affected by reason of any mistake in

the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to the rate or tax, or any mistake in the amount of assessment, provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall, for want of form, be quashed or set aside in any court of justice.

226. No distress levied by virtue of this Act shall be deemed unlawful, Distress not unlawful for want of form. nor shall any party making

the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them in any court of competent jurisdiction.

227. Instead of proceeding by distress and sale, or in case of failure to Commissioners may bring suit instead of dis-tesining, or on failure of distress. realize by distress the whole or any part of any rates, taxes, expenses, or charges, recoverable under the provisions of this Act, the

Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

228. The Commissioners may make compensation out of the Municipal Fund to any person Power to make compensation out Municipal Fund. sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their officers or servants, under this Act.

229. It shall be lawful for the Commissioners to make bye-laws, and to repeal, alter, and ed to make by-laws. amend the same, subject to the confirmation hereinatter-mentioned, for regulating the time and mode of collecting the rates and taxes mentioned in this Act, for regulating the conduct of persons employed by them, for the management of all matters connected with conservancy, and for carrying out all the purposes of this Act; and to affix fines as penalties for the infringement of such by-laws. Provided that no by-law shall be repugnant to any law in force, and that no fine for any one infringement of a by-law shall exceed twenty Rupees, and that in case of a continuing infringement no fine shall exceed five Rupees for every day after notice from the Commissioners of such infringement.

230. No bye-law or alteration of a bye-law Confirmation and pubsarme shall have effect until the Droved and confirmed by the Licutenant-Governor of Bengal, and shall have been published for such length of time and in such manner as the Lieutenaut-Governor of Bengal shall order.

Bre-laws until repealed or altered, to be of like effect as if inserted in this Act.

where the same shall have been duly confirmed and published, shall, until the same be repealed or this Act. altered, be of the like effect

as if they were inserted in this Act.

232. No action shall be brought against the

No action to be brought No action to be obtained against the Commissioners or their officers, until after one month's notice of cause of action.

Commissioners, or against a punchayet, or any of their officers, or any person acting under their direction, for any thing done under this Act

until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Commissioners or affixed at some conspicuous place in the village of such punchayet, or at the place of abode of such person, explicitly stating the cause of action and the name and place of abode of the intended plaintiff; and unless such notice be proved, the court shall find for the defendant, and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards; and if any person to whom any such notice of action is given, shell before such action is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

283. The Commissioners may direct any
No charge to be instituted under this Act without consent of Commissioners. taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund, and no charge of an offence under this Act shall be instituted without the order or consent of

Commissioners, and no such charge shall be instituted except within three months next after the commission of such offence. Any prosecution under this section shall be instituted before any Magistrate having jurisdiction under the provisions of Chapter XV of the Criminal Procedure Code. The procedure of the above-mentioned code shall apply to all trials of offences under this Act.

234. All the proceedings of the Magistrate of the district, or of a Magis-

Proceedings of Magistrate of district and Commissioner of division respectively, subject to control of Lieutenant-Governor. the district, or of a Magistrate under this Act, or of the Municipal Commissioners, except as otherwise specially provided, shall be subject to

the control and revision of the Commissioner of the division; and all the proceedings of the Commissioner of the division shall be subject to the control of the Lieutenant-Governor of Bengal.

SCHEDULE A. (Referred to in Section 5.) ACTS REPEALED.

Number of Act.	Title.
Act XXVI of 1850	To enable improvements to be made in towns.
Act XX of 1856	To make better provision for the appointment and maintenance of police chowkeedars in cities, towns, stations, suburbs, and bazaars in the Presidency of Fort William in Rengal.
Act XXI of 1857	To make better provision for the order and good government of the suburbs of Calcutta and of the station of Howrah.
Act XII of 1858	For raising funds for making and revairing roads in the suburbs of Calcutta and the station of Howrah.
Act III (B.C.) of 1864, or District Municipal Im- provement Act.	For the appointment of Municipal Commissioners in towns and other places in the provinces under the control of the Lieutenant-Governor of Bengal, and to make better provision for the conservancy, improvement, and watching thereof, and for the levying of rates and taxes thereon.
Act IV (B.C.) of 1865	For the prohibition of the prac- tice of inoculation in the town and suburbs of Calcutta and in towns to which Act III of 1864 has been or shall hereafter be extended.
Act VI (B.C.) of 1867	For the better regulation of the police in towns and municipalities in the territories under the control of the Lieutenant-Governor of Bengal.
Act VII (B.C.) of 1867	For amending Act III of 1864.
Act II (B.C.) of 1868	For amending the District Municipal Improvement Act.
Act VI (B.C.) of 1868, or District Towns Act, 1868.	For providing for the better regulation of the police in towns under the control of the Lieutenant-Governor of Bengal, and for the conservancy and improvement thereof.

SCHEDULE B (referred to in section 36).

NOTICE OF ASSESSMENT.

An assessment made for [here describe the Municipality for which the assessment is made] upon the several occupiers of houses and other

property in the said Municipality pursuant to the Bengal Municipalities Act, 1872, for the purpose of maintaining the conservancy for such Municipality and carrying out the other provisions.

Property occupied.	Names of occupan is.	Profession or business.	Amount of quarterly assumble to

Whereas the above assessment has been duly made pursuant to the Bengal Municipalities Act, 1872, and has been revised and settled by me, the undersigned Magistrate of , the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity to the Tax Collector or other person appointed by the Magistrate to receive the same, the first payment on the first day of () and every subsequent payment on or before the first day of () the first day of (), or in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed, and such other proceedings adopted for the recovery of the same as allowed by law.

Dated this

day of Magistrate of

Schedule C.—(Repered to in Section 58.)

Tax on Carriages, Horses, and Elephants.

Tax on Carriages, Horses, and Esephan	100.	
Rs	. p.	quarter.
For every 4-wheeled carriage on springs		
drawn by two horses	4	8
For every 4-wheeled carriage on springs		
drawn by one horse or pony, or a pair		
of ponies under thirteen hands	1	8
For every 4-wheeled carriage without	-	•
	1	0
springs	1	8
For every 2-wheeled carriage on springs	2	4
For every 2-wheeled carriage without		
springs, drawn by a horse, pony, or		
mule	0	12
For every horse	-	4
Por every noise	~	•
For every pony under thirteen hands or		
mule	0	12
For every elephant	6	0
Ponies under eleven hands, and childs	en'	s car-
riages the wheels of which do not exceed		
four inches in diameter, exempt.		
tour mones in diameter, exempt.		

SCHEDULE D.

(Refelred to in Section 70.)

License on Professions, Trades, and Callings.

CLASS I.

Yearly.

Every Joint-Stock Company ...

100

CLASS II.	
Every Merchant, Banker, Shroff, Banian, wholesale Trader, and Commission Agent, and every practising Surgeon, Physician, Dentist, Architect, Civil Engineer, Barrister, Attorney, Proctor, Notary Public, and Pleader of the High Court	
Every owner or farmer of a hat or bazaar. Every owner of Cotton, Jute, Hide, or other Screws and every Auctioneer	
CLASS III.	
Every Broker or Daloll employed in the wholesale transfer or purchase of Imports or Exports, or in the sale of Government Securities, Shares, and Bills of Exchange, or in procuring Freight. Every Practising Licentiate of Medicine, Apothecary, and Veterinary Surgeon	
Every keeper of a Spirit-shop, Punchhouse or Billiard room, wholesale Tobacco or Jute Depôt Every Hotel-keeper, Boarding House-keeper, Shop-keeper, Manufacturer or Trader, whose shop or place of business is assessed under Section at more than 250 or less than 100 Rupees a month Every Pawn-broker, and every person having a shop or place of business registered under Section Every Pleader, Mooktear, or Law Agent, not included in Class II	
CLASS IV.	
Every Hotel-keeper, Boarding and Lodging House-keeper, Shop-keeper, Manufacturer or Trader, whose shop or place of business is kept in a brick-house, but not included in Class II. or Class III. Every keeper of a permanent stall at a daily public market or in a chouk Every Poddar or Money-changer Every Hakeem, Koberaj, and Native Doctor, not included in any other Class	
CLASS V.	
Every keeper of a shop not included in any other Class, and every Daloll not included in Class III Every Pedlar, Hawker, Box-wallah, and keeper of a shop at a periodical market or hât	į
CLASS VI.	

Note.-A person who carries on several kinds of business, and may come under more than one of the designations in this schedule, shall be chargeable only under one of such disignations at the discretion of the Chairman or of the sub-committee as the case may be, and in the case of a firm consisting of two or more persons, payment by any one of such persons shall be considered to be payment by the firm.

All other itinerant dealers and keepers of stalls at periodical markets or hats ...

SCHEDULE E.

(REFERRED TO IN SECTION 91.)

Maximum rates of tolls payable on entering the municipal limits.

On ever	v four-who	eled carriag	e on	Rs.	A8,	P.
sprin	igs		•••	0	8	0
Ditto		eled ditto	***	0	4	ď
		ry on sprin			_	۰
		men, buff				
		ponies, ass	es, or			
mule	s laden	•••	***	0	4	0
Ditto	ditto	not laden	***	0	2	0
On every	buffalo or 1	bullock lader	n	0	1	0
Ditto			• • •	0	2	0
Ditto	ditto not l	aden or ridd	en	0	1	0
Ditto	pony or as	s laden or r	idden	0	1	0
Ditto	elephant	ditto	***	1	0	0
Ditto	camel	***	***	0	4	0

SCHEDULE F.

FORM A .- (REFERRED TO IN SECTION 104.) Notice of Demand.

Municipality of (To

Take notice that the sum of Rs. the amount of assessment due from you to the Fund of the said Municipality is hereby demanded from you, and that if you do not, within ten days, pay the same with two annus as the cost of this notice into the office of same with costs will be levied by distress and sale of your goods and chattels.

Magistrate of

Fee.

FORM B .- (REFERRED TO IN SECTIONS 104 and 105.)

Table of Fees payable upon distraints under this Act. Sums distrained for

						Rs.	As.	
	Under	Rupe	e	***		0	4	
1	and und	ler 5 l	Rupees		***	0	8	
5	23	10	"		***	1	0	
10	"	15	"		***	1	8	
15	33	20	22		***	2	0	
20	39	25	"			2	8	
25	,,,	30	22	•••	•••	3	0	
30	"	35	,.	***	•••	3	8	
35	"	40	23	***		4	0	
40	"	45	23			4	8	
45	"	59	. 22	***		5	0	
50	,,	60 .	,,	***	***	6	0	
60	"	80	"	•••		7	8	
80	"	100	2)	•••	***	9	0	
	Above	100	>>		***	10	0	

The above charge includes all expenses including the service of notice of demand, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

FORM C .- (REFERRED TO IN SECTION 105.)

Warrant of Distraint.

To (here insert the name of the officer charged with the execution of the warrant.)

Whereas has not paid or shown sufficient cause for the nonpayment of the sum of Rupees due for rates (or 'axex) or rates [and laxes] mentioned in the margin for the months of although the said sum has been duly demanded in ! writing from the said , and ten days have elapsed since the service of the notice of demand: This is to command you to distrain the property of the said to the amount of the said sum of Rucces and such further sum as may be sufficient to defray the charges of tsking, keeping, and selling such distress, and if within ten days next after such distress the said sum shall not be paid together with such further sum as may be sufficient to defeay the charge of taking and keeping such distress, to sell the said : roperty, and having paid and desuct. ed out of the proceeds of the sale the said sum of

Rupees and the charges of taking keeping and selling such distress, to return the surplus (if any) on demand to the reison whom you shall find in possession of the said property. It sufficient aistress cannot be found of the property of the said you are to certify the same to us together with this warrant.

(Signature of the Chairman

or Vice-Chairman.)

FORM D .- (REPERBED TO IN SECTION 105.) Form of Inventory and Notice (state particulars of goods seized).

Take notice that I have this day seized the property specified in the above inventory for the sum of Rupees due for the rates for tures) mentioned in the margin for the months of

, and that unless you pay into the office of the Municipal Commissioners of the amount one, together with the costs of this distress within ten days from the day of the date or this notice, the property will be sold.

(Signature of the officer executing the warrant of distress. Date

FORM E .- (REFERRED TO IN SECTION 105.) Returns of Sales.

patient of the con-				,						
,	2	3	1 1	5	1;	7	: 5	Ţ (J	10	11
			1							
District.	Nance of definities.	Anomat of Policy then,	Automy west or practity	Investory I property	Part of distress.	Pare feate.	Popula in	Arrent redized on	limbare's name,	1.11.11B* e.
										911

Schedule G .- (referred to in Sections 115 and 116.)

18 .

Births in the Mani ipality of

No.	***************************************	When bern,	Nationality or easie.	Name, if any	Sex.	Name of Father.	Profession of Father,	Surnature, description, and resource of informruf.	Whom regis- tered.	Signature o
										and the second s
					i			1		
					1				,]	
			1	1						
				2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	ally obelief considerate are no special		6 0.0			
	and the same of th		A STATE OF THE STA		and the state of t		and a second			
		1								
									`	

SCHEDULE H.—(referred to in Sections 115 and 116.)

		18				Deall	is in the	Municipality	of	
No.	When died.	Nationality or caste.	Name.	Sex.	Age.	Profession.	Cause of Death.	Signature, de- scription, and residence of informant.	When registered.	Signature of Registrar.
		To company the state of the sta								
1									The state of the s	
						Condesion of the condes				

STATEMENT OF OBJECTS AND REASONS.

There are at present four different laws, besides several amending Acts, under which municipalities in Bengal are administered. The present Bill has been framed with the view of consolidating these different enactments into a single law. Opportunity has been taken to enlarge the powers of Municipal Commissioners; to lay less municipal work and responsibility on the shoulders of Magistrates; to make Municipal Commissioners elective; and in other ways to afford more scope for municipal self-government. The Bill provides for three classes of municipalities; in two classes the governing body will be Municipal Commissioners, while the rural townships in the third class will be administered by punchayets. Municipal Commissioners will have power to adopt one or more of the ordinary forms of Indian municipal taxation, but for punchayets only one form of local taxation will be available. Municipal funds will be devoted to police and to ordinary municipal purposes; and it is proposed to permit of their expenditure

on the maintenance of education and on then relief of exceptional distress. Village funds in third class Municipalities shall, it is proposed, be applicable to the payment of chowkeydars, to the maintenance of patshalas or rural schools, and to the supply of drinking water. Power is taken for Government or its officers to intervene in cases where Municipal Commissioners or a punchayet may fail to maintain sufficient police, or where elementary education may not be available at reasonable cost. Provision is made for members of municipal bodies sitting for the trial of petty offences committed within the limits of their townships.

In respect of nuisances, of conservancy, of vaccination, of town markets, and such like matters, the Bill adopts the provisions of existing Municipal Acts.

C. BERNARD.

The 9th December 1871.

HERBERT COWELL,

Asst. Secy. to the Gort. of Bengal,

Legislative Dept.

THE following Bill as settled by the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations on the 9th March 1872, is by order of the President, published for general information:—

A Bill to amend the Calcutta Port Improvement Act, being Act V of 1870 passed by the Lieutenant-Governor of Benoal in Council, and to amend Act XXII of 1855.

WHEREAS it is expedient to give to the Commissioners for making improvements in the Port of Calcutta a like indemnity to that which is given to the East India Company by section 61 of Act XXII of 1855, and otherwise to amend the said Act; It is hereby enacted as follows:—

1. The said Commissioners shall not be answerable for any act or default of any Conservator or Harbour Master of the said port, or of any Deputy

or Assistant of the said officers, or of any person acting under the authority or directions of any such officer or assistant, heretofore or hereafter done within the limits of the said port; nor for any damage or injury heretofore or hereafter sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other thing belonging to the said Commissioners within the said port which may be used by such vessel. Provided that nothing in this section shall protect the said Commissioners from an action in respect of any act done by or under the express order or sanction of the said Commissioners.

2. Section 23 of the said Act XXII of 1855 is hereby repealed so far as the same affects the Port of Calcutta, but such repeal shall not affect any act done or liability incurred under the said section.

3. If any vessel with or without cargo shall be wrecked, stranded, or sunk within the limits of the said port, the Commissioners may in any case cause the same

to be raised, removed, or destroyed; or they may call on the owner, master, or consignee thereof, to cause the same to be raised, removed, or destroyed; and if the said owner, master, or consignee, when called upon, shall refuse or neglect forthwith so to do, the Commissioners, in that case also, may cause the same to be raised, removed, or destroyed. Unless all expenses in or towards executing any works undertaken by the Commissioners under this section shall be repaid within one month after the completion thereof, the Commissioners may recover the same in the manner provided by the next succeeding section. The amount claimable and due under this section shall include all monies expended, reasonable remuneration for labor and for the use of the property and appliances of the Commissioners, and a further sum of twenty per cent on the total amount so due in respect of monies expended and of remuneration. If any dispute shall arise concerning the amount due to the Commissioners under this section, the same shall be determined by a Magistrate, who, upon application made to him for that purpose, shall have power to determine such amount, and to award such costs as he shall think reasonable to be added to or deducted from the

amount due under this section as he shall direct, and whose decision should be final.

4. If the property recovered under the next pre-Sale of property if un-claimed, or if expenses un-or if the person claiming the same refuses or neglects to pay the amount due to the Commissioners under the next preceding section in respect thereof, such property, if of a perishable nature, may be sold fortinwith; and if not of a perishable nature may be detained by the Commissioners at the risk and expense of all parties interested therein and may be sold at any period not less than two months after the recovery thereof by public auction; and after the realization of the proceeds thereof, the amount due to the Commissioners as aforesaid shall be deducted therefrom and paid to the Commissioners, and the balance shall be paid to the person entitled to recover, on his applying for the same; provided that such application be made within one year from the sale of such property, or good reason to the satisfaction of the Commissioners be shown why such application was not made. Otherwise, such balance shall be held by the Commissioners upon trust for the purposes of the said Act V of 1870.

Vessels not to have of 1855, from such time as the Lieutenant-Governor of Bengal shall notify in the Calcutta Gazette, for the words "fifty pounds" wherever such words occur, shall be substituted the words "five pounds," and the said Act shall be thereafter read and construed as if the words hereby directed to be substituted were inserted in place of the words for which they are hereby directed to be substituted.

6. It shall be the duty of all police officers to give immediate information to the Commissioners of any offence committed contrary to the provisions of the said Act V of 1870, or of Act XXII of 1855, or of any bye-laws or rules having the force of law prescribed in accordance therewith. Any police officer may arrest any person committing in his view any offence against any of the said provisions, if the name and address of such person be unknown. Such person may be detained at the station house until his name and address shall be correctly ascertained.

7. This Act shall be read with and taken as part of the said Act V of 1870, and of the said Act XXII of 1855.

Herbket Cowell,
Asst. Secy. to the Govt. of Bengal,
Legislative Department.

THE following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 9th March 1872, and was reterred to a Select Committee who are to report therein in one month:—

A Bill to provide for the due appropriation of certain educational and charitable endowments.

Whereas there are at present endowments
granted in money or in land
for certain educational and
charitable purposes, in respect of which either no person has been originally
nominated a trustee, or there is now no trustee

living or capable of being appointed under the instrument of endowment; and whereas it is expedient to provide for their due appropriation and management; It is enacted as follows:—

1. All moneys or lands heretofore granted, or which may be hereafter which may be hereafter granted by any person or persons for any charitable or educational purposes, within any district within the territories subject to the Lieutenant-Governor of Bengal, for which no person or persons have been nominated trustees or trustee, or for which there

nominated trustees or trustee, or for which there may not be any living trustee, or any power of appointing a trustee under the instrument of endowment, are hereby vested in such trustees as the said Lieutenant-trovernor, shall, as soon as possible after the passing of this Act, nominate, as

hereinafter provided.

2. For every district in respect of which any Appointment of trustees. such endowments have been made whereof at the time of the passing of this Act or thereafter there shall not be any trustee living or capable of being appointed under the instrument of endowment, the said Lieutenant-Governor shall nominate trustees in whom such endowments shall yest; provided that the elder executive officer of such district shall be nominated as one of the trustees in respect of such endowments. Such trustees shall have in all respects the same powers and responsibilities in relation thereto as if they had been appointed by the donor thereof under the instrument of endowment, and where there is no instrument of endowment, they shall be subject in all respects to the orders of the Lieutenant-Governor.

Appropriation of endowments.

Appropriation of endowments so vested in them as aforesaid shall be duly appropriated to the purposes for which they were destined by the respective donors thereof, so far as the same can be ascertained, and to invest the same in Government securities, and to apply the yearly proceeds or income thereof to the purposes aforesaid, subject in all respects to the general instructions of the Lieutenant-Governor; provided that the trustees may, with the sanction of the said Lieutenant-Governor, devote any portion of the capital sum or value of the said funds to any especial object for the furtherance of the above-mentioned purposes.

4. Any person interested in the purposes to which any endowment, suits in court. not being for a purely religious purpose, may have been intended may, without joining as plaintiff any of the other persons interested therein, sue before the civil court the trustee, manager, or superintendent by whom such endowment may be administered, or any trustee appointed under this Act, for any misteasance, breach of trust, or neglect of duty, committed by such trustee, manager, or superintendent, in respectively, and the civil court may direct the specific performance of any act by such trustee, manager, or superintendent, and may decree unmages and costs against such trustee, manager, or superintendent, and may also direct the removal of such trustee, manager, or superintendent. The interest required in order to entitle a

person to sue under this section need not be a pecuniary or a direct or immediate interest, or such an interest as would entitle the person suing to take any part in the management or superintendence of the trusts. Provided that any trustee, nominated under this Act, shall not be liable for damages on account of any act done or omitted by him bond fide for the furtherance of the objects of the trust; and provided also that any costs which may be awarded against any trustee as aforesaid in a suit instituted under this section may, if the said trustee be found to have acted bond fide, be defrayed from the endowment vested in such trustee under this Act.

5. The Lieutenant-Governor may at any time nominate and appoint a new trustees.

New trustees.

trustee or trustees for any endowment which by viring

of this Act has been vested as aforesaid, and also may at any time remove any trustee so appointed as aforesaid.

STATEMENT OF OBJECTS AND REASONS.

In some districts of Bengal there are certain educational and charitable endowments for which there are no properly constituted trustees. The present Bill is introduced to enable the Government to appoint standing trustees, who shall be responsible for the care of such endowments.

C. BERNARD.

The 2nd March 1872.

HERBERT COWELL,

Asst. Secy. to the Gort, of Bengal, Legislative Department.

Orders by the Lientenant-Covernor of Bengal.

Revenue and General Departments.

No. 540R.

APPOINTMENTS.

The 6th March 1872.—Bahu Sasi Bhusan Bandyopadhyay, M.A., to officiate as Head Master of the Patna Collegiate School, during the absence, on Acave, of Mr. A. S. Phillips, or until further orders.

The 8th March 1872.—Mr. Alfred Wellia

The 8th March 1872.—Mr. Alfred Wallis Paul, B.A., Assistant Magistrate and Collector, in charge of the Sub-division of Cox's Bazar, is vested with the powers of a Collector under the Land Acquisition Act, No. X of 1870.

Mr. Herbert Hankey is re-appointed to officiate as Commissioner of Revenue and Circuit of the Chittagong Division, from the date on which he took charge from Mr. Stuart Colvin Bayley.

Mr. Ernest Montague Money, Assistant Magistrate and Collector, Hooghly, is transferred to

Burdwan.

Mr. George Edward Makgill is re-appointed to be a Joint-Magistrate and Deputy Collector of the Second Grade, with effect from the date on which he joined the 24-Pergunnahs.

The 9th March 1872.—Babu Dwarkanath Banurji, Deputy Collector, Howrah, is appointed under Section 7, Act X. of 1870, to take order for the acquisition of land required for the purpose of straightening the King's Road in that district.

to be Secretary to the Local Committee of Public Justruction at Cuttack,

Babu Uma Churn Ganguli, Deputy Magistrate and Deputy Collector, to have charge of the Sub-division of Bagirhaut. In addition to the powers of a Subordinate Magistrate, First Class, with which he is already vested, Babu Uma Churn Ganguli is empowered, under Section 38 of the Code of Criminal Procedure, to hold the preliminary enquiry into eases triable by the Court of Session, to commit or hold to bail persons to take their trial before such Court of session, and to exercise all the powers necessary for that purpose.

Mr. Thomas Taylor Allen to be a Joint-Magistrate and Deputy Collector of the First Grade in

Bhaugulpore.

The 12th March 1872 .- Mr. William LeFleming Robinson to officiate as Commissioner of Revenue and Circuit of the Rajshahye Division, during the absence, on leave, of Mr. Edmund Weldon Molony, or until further orders.

/ Mr. James Sutherland Drummond to officiate as Magistrate and Collector of Sarun, in the First tirade, during the absence, on duty, of Mr. fleetwood Hugo Pellew, or until further orders.

Mr. Charles Bazett Garrett to officiate as Magistrate and Collector of Bankoorah, in the First Grade, during the absence, on duty, of Mr. skipwith Henry Churchill Tayler, or until further orders.

Mr. William Rea Larminie to officiate as Magistrate and Collector of Bankoorah, in the Second Grade, until the arrival of Mr. Charles

Bazett Garrett, or until further orders.

Babu Hira Lal Mukurji, Deputy Magistrate and Deputy Collector, Backergunge, to have charge of the Sub-division of Patooakhally, during the absence, on leave, of Babu Dina Nath Adhya, or until further orders.

Mr. Albert Champion Mangles to officiate in the First Grade of Magistrates and Collectors.

Mr. Valentine Irwin to be a Joint-Magistrate and Deputy Collector of the Second Grade, but to continue to officiate as a Joint-Magistrate and Deputy Collector of the First Grade, until further orders.

Babu Mohendra Nath Gupta, Officiating Deputy Magistrate and Deputy Collector, is posted to the Burdwan Division, and vested with the powers of a Subordinate Magistrate, Second Class.

Moulvi Abdul Hye, Officiating Deputy Magis-crate and Deputy Collector, is posted to the Dacca Division, and vested with the powers of a

Subordinate Magistrate, Second Class.
Mr. William Charles Muller, Extra Assistant Commissioner, Darjeeling. is transferred to

Gowalparrah.

Mr. James Pratt, M.A., Assistant Magistrate and Collector, Jessore, is vested with the powers

of a Magistrate.

Mr. Romesh Chandra Datta, Assistant Magistrate and Collector, 24-Pergunnahs, is vested with the powers of a Subordinate Magistrate, First Class

Babu Akhay Kumar Sen, Officiating Deputy Magistrate and Deputy Collector, Backergunge, 18 vested with the powers of a Subordinate Magistrate, First Class.

The following transfers of Assistant Sub-Deputy Opium Agents in the Benares Agency are sanctioned, with effect from the 1st March 1872, viz. ;-

Mr. Henry Jessi Lloyd, from Etwah to Mirzapore.

Mr. James David Sayce, from Mynpoory to Etwah.

Ernest Frederic Joseph Porcelli, from Mirzapore to Mynpoory.

LEAVE OF ABSENCE.

The 6th March 1872.—Mr. A. S. Phillips, Head Master of the Patna Collegiate School, for three months, under paragraph 12, clause 1 of the Uncovenanted Service Absentce Rules.

Mr Alexander Manson, Officiating Joint-Magistrate and Deputy Collector, Pooree, for two months and twenty-eight days, under Section XIX. of the Covenanted Service Absentee Rules, from the 26th instant, or any other day in the beginning of April next, on which he may avail himself of the leave.

The 7th March 1872 .- Mr. Robert Mason Towers, B.A., Officiating Judge of the Small Cause Courts of Scaldah and Howrah, is allowed subsidiary leave for a period not exceeding thirty days, from the date on which he may be relieved, preparatory to proceeding to Europe on furlough.

The 8th March 1872.—Mr. Thomas Durant eighton, Officiating Joint-Magistrate and Beighton, Deputy Collector, Second Grade, Burdwan, for two months and a half, under Section XIX. of the Covenanted Service Absentee Rules.

The 9th March 1872 .- Moulvie Ali Husain, Deputy Magistrate and Deputy Collector, Gya. for one month, from the 1st instant, under Section XVIII. of the Covenanted Service Leave Code.

The 1 th March 1872 .- Mr. Godfrey John Bective Tuite Dalton, Officiating Joint-Magistrate and Deputy Collector of Bhaugulpore, is allowed the usual subsidiary leave of absence from the 23rd instant, preparatory to proceeding to Europe on furlough.

Mr. John Dalrymple Maclean, Deputy Collector of Customs, Calcutta, is allowed the usual subsidiary leave from the 24th ultimo, preparatopy to proceeding to Europe on furlough.

Captain Robert Cotton Money is allowed the usual subsidiary leave from the 1st January last, the day following the date of his arrival in Indie on his return from furlough, to enable him to rejoin his appointment.

Mr. Reginald Porch, c.s., is allowed eleven days subsidiary leave from the 4th instant, prepara-

to to proceeding to Europe on furlough.

The 12th March 1872.—Mr. Edmund Weldon Molony, Commissioner of the Rajshahye Division, is allowed the usual subsidiary leave from the 23rd April next, to enable him to proceed to Europe on special leave, embarking at Bombay.

Mr. James Mackenzie, Collector of Stamps,

Calcutta, and Superintendent of Abkaree Revenue in Calcutta and the 24-Pergunnahs, for twenty months, on Medical Certificate, under paragraph 11 of the Uncovenanted Service Absentee Rules.

ERRATUM.

The 7th March 1872 .- In the orders of the 5th instant, published in the Calcutta Gazette of the 6th idem, appointing certain gentlemen to officiate as Deputy Magistrates and Deputy Collectors-

" Babu Mohini Mohan Ray, Jessore," Read

For

" Babu Mohini Mohan Chakravarti, Jessore."

H. L. DAMPIER, Secy. to the Goot. of Bengal. The following Order issued by the Government of India, in the Home Department, is republished for general information:-

No. 1172.—Fort William, the 8th March 1872.—Notification.—Public.—The Governor General in Council is pleased to permit Mr. W. B. Buckle to resign Her Majesty's Bengal Civil Service from the 20th December last.

The following Orders issued by the Government of India, in the Financial Department, are republished for general information:—

No. 1753.—Fort William, the 7th March 1872.—Notifications.—Accounts.—Read the fellowing:—

FINANCIAL.

INDIA OFFICE;

No. 48.

London, 1st February 1872.

To His Excellency the Right Hon'ble the Governor General of India in Council.

My Lord,—I have to acquaint you that the rate of exchange for the adjustment of financial transactions between the Imperial and Indian Governments, for the year 1872-73, has been fixed, with the concurrence of the Lords Commissioners of the Treasury, at one shilling and eleven pence half-penny $(1s, 11\frac{1}{2}d)$ the rupee, and I have to request that you will give the necessary instructions for the due observance of this rate in respect of all transactions to which it is applicable.

I have, &c., (Sd.) Argyll.

ORDERED, that the above despatch be published in the Gazette of India for general information.

PENSIONS AND GRATUITIES.

No. 1639.—The 6th March 1872.—The Governor General in Council is pleased to direct that the following be added as Rule 2 under Section 46 of the Civil Pension Code:—

2. Absence on leave in or out of India is no bar to an officer's being admitted to pension or gratuity.

No. 1681.—The Governor General in Council is pleased to direct the addition of the following as Rule 2 under Section 85 of the Civil Pension Code:—

2. The above rule for the conversion of Rupees into sterling applies to officers under covenant, who are cutitled by their covenant to pensions in accordance with the rules applicable to Uncovenanted Servants; the covenanted rate of exchange for their pay and allowances does not, unless it is expressly so stated, apply to their pensions.

No. 1772.—The 8th March 1872.—The Governor General in Council is pleased to direct the publication of the following as Supplement C of the Civil Pension Code. The words "and Assistant Chaplains" in Section 3 (c) of the Code should be struck out:—

SUPPLEMENT C.

CHAPLAINS.

[The rules in this Supplement are now in general operation, except that the present Senior Chaplain of the Scotch Church in Bombay, when he has served his time for pension, will have the option of continuing to draw allowances on the old scale and abiding by the old scale of pension, or of drawing allowances on the new scale, or retiring, in which case his pension will be regulated by the rules in this Supplement. The present Senior Chaplain of the Scotch Church in Calcutta also is allowed an election (which he has not yet declared) between the old and the new scales of allowances and pension.]

Section 1. Pcusions are granted to Chaplains under the following rules:

Residence and service.

Section 2 (a). "Residence" is reckoned from arrival in India in the case of a Chaplain appointed in England, and from date of covenant in the case of a Chaplain appointed in India. It includes (1) time spent on duty, (2) privilege and subsidiary leave, and (3) time passed out of employ in India otherwise than on leave.

(b). "Service" includes "residence," and also all time spent on leave of any description; but no time before the beginning of "residence."

Retiring pension.

- Section 3. A Chaplain who has completed 17 years' residence and 20 years' service, or, if appointed before the 11th January 1854, 15 years' residence and 18 years' service, is entitled to a retiring pension of £365 a year.
- 1. Pensions are granted either by the Government of India, Bombay, or Madras (as the case may be), or by the Secretary of State. A Chaplain proceeding to England often obtaining pension in India, should be careful to take with him the usual last? pay certificate.

Compulsory retirement.

Section 4. A Chaplain must retire after 25 years from the beginning of his service, unless specially exempted by the Secretary of State, on the recommendation of the Governor General in Council, or of the Governor in Council of his Presidency.

Invalid pension.

Section 5. A Chaplain who is obliged, by bad health, to retire after completing seven years' residence, but before completing the periods of residence and service required by Section 3, is entitled to an invalid pension of £125-15-0 a year, or if he have completed ten years' residence, £173-7-6 a year.

SEPARATE REVENUE.

(STAMPS.)

No. 1756.—The 8th March 1872 —In the exercise of the powers conferred by Section 26 of the Court Fees' Act of 1870 (Act No. VII) and of all other powers enabling him on this behalf, the Governor General in Council is pleased to cancel Notification by the Government of India, Financial Department, No. 1865, dated 15th March 1870, and to issue the following directions:—

- The Stamps used to denote any fee chargeable under the said Act may be either impressed or adhesive, or partly impressed and partly adhesive.
- When the exact amount of the fee chargeable under the Act can be denoted by a single impressed or a single adhesive Stamp, such fee shall be denoted by a single Stamp of either sort.
- When the amount of the fee cannot be denoted by a single impressed or a single adhesive Stamp, the next lower impressed or adhesive Stamp shall be used, and the deficiency made up by one or more additional Stamps which may be either impressed or adhesive.
- 'The impressed Stamps referred to in this Notification are the red and black printed Stamps, and the adhesive Stamps are those across which the words "Court Fees" have been printed.
- Should the amount of the fee in any case involve a fraction of an anna, such fraction shall be remitted.
- The provisions of this Notification shall for the present extend only to the Hyderabad Assigned Districts and to the territories under the Lieutenant-Governor of Bengal, the Chief Commissioner of Oude, and the Chief Commissioner of the Central Provinces respectively.

The following Order issued by the Government of India, in the Military Department, is republished for general information:—

No. 245.—Fort William, the 8th March 1872.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs:—

Captain Everard Neal Digges La Touche, of the General List, Infantry, Assistant Commissioner, Bengal,—for two years, under the Regulations of 1868, embarking at Bombay.

H. L. Dampier, Secy. to the Govt. of Bengal.

NOTIFICATION.

The 12th March 1872.—It is hereby notified that under the provisions of Section 5 of the Indian Registration Act, No. VIII. of 1871, the Lieutenant-Governor has been pleased to form the two following sub-districts, in the district of Furreedpore:—

A new sub-district, with head-quarters at Bhanga, shall comprise the thannahs of Deora and Sadderpore.

Another sub-district, with head-quarters at Gopalgunge, shall comprise the thannahs of Gopinathpore and Muxudpore.

The thannals of Furreedpore, Talmah, and Bhusna will remain in, and henceforth comprise the sudder sub-district.

This Notification will take effect on and from the 1st day of April 1872.

H. L. DAMPIER.

Sicy, to the Govt. of Bengal.

NOTIFICATION.

The 12th March 1872.—It is hereby notified that under the provisions of Section 5 of the Indian Registration Act VIII. of 1871, the Lieutenant-Governor has been pleased to form a new subdistrict, in the district of 24-Pergunnahs, comprising the thannahs of Ariadaha and Dum-Dum, and the Suburbs of Calcutta north of the Circular Road and Balliaghatta Canal, with head-quarters at Burranagore.

This Notification shall take effect on and from the 1st April 1872.

H. L. DAMPIER,

Secy, to the Gort, of Bengal.

Judicial and Political Departments.

No. 360J.

APPOINTMENTS.

The 2nd March 1872.—Sub-Assistant Surgeon Chuni Lal Das to have charge of the Charitable Dispensary at Azimgunge.

The 7th March 1872.—Babu Braja Mohan Prasad to officiate, until further orders, as Moon-siff of Jumooe, in Zillah Bhaugulpore.

The 8th March 1872.—Mr. Rowland Vyner Cockerell is appointed to officiate temporarily as Additional Judge of Hooghly, and is vested, under the provisions of Section 2, Act XIX. of 1871, with the powers of a Sessions Judge in Howrah and the 24-Pergunnahs.

The 11th March 1872.—Babu Mahendranath Basu to officiate as First Subordinate Judge of

the 24-Pergunnahs, during the absence, on leave, of Babu Kailas Chandra Dev, or until further orders.

Babu Naffar Chandra Bhatta, B.L., to officiate temporarily as Second Subordinate Judge of the 24-Pergunnahs.

The 12th March 1872—Mr. Henry Bruce Simson, Additional District Judge of Chittagong and Dacca, on leave, to be also Additional Sessions Judge of those districts, and Additional District and Sessions Judge of Backergunge.

Mr. Arthur Levien to officiate as Additional District and Sessions Judge of Dacca, Chittagong, and Backergunge, during the absence, on leave, of Mr. Henry Bruce Simson, or until further orders.

LEAVE OF ABSENCE.

The 7th March 1872.—Dr. Edwin Ciement Bensley, Civil Surgeon of Rajshahye, for fourteen days, under Section XVIII. of the Covenanted Service Absentee Rules. Native Doctor Baroda Kanta Sen will remain in charge of the Civil Medical duties of the Station of Beauleah during Dr. Bensley's absence.

The 9th March 1872.—Sub-Assistant Surgeon Abinash Chandra Banurji, for one month, from the 16th ultimo, under paragraph 11 of the Uncovenanted Service Absentee Rules.

Baboo Jadu Nath Mallik, Officiating Subordinate Judge, and Judge of the Small Cause Courts of Moorshedabad and the Cantonment of Berhampore, for ten days, from the 15th instant, under Section XVIII. of the Covenanted Service Leave Code.

The 11th March 1872.—Babu Kailas Chandra Dev, First Subordinate Judge of the 24-Pergunnahs, for one mouth, under Section XVIII of the Covenanted Service Leave Code, subject to his making the declaration required by Financial Notification No. 3463, dated the 30th December 1871.

NOTIFICATIONS.

The 29th February 1872,—Mr Augustus Rivers Thompson made over charge of the office of Secretary to the Government of Bengal to Mr. Charles Edward Bernard this day in the afteruoon.

The 9th March 1872.—The Lieutenant-Governor is pleased to accept the resignation tendered by Mr. Stuart Colvin Bayley of his scat in the Council of the Lieutenant-Governor of Bengal, for the purpose of making Laws and Regulations in the Bengal Division of the Presidency of Fort William.

The 12th March 1872.—The services of Third Grade Sub-Assistant Surgeon Isan Chandra Ray, Officiating House Surgeon of the Howrah General Hospital, are placed at the disposal of the Chief Commissioner of Oude.

ERRATUM.

The 8th March 1872.—In the orders of the 5th instant, published in the Calcutta Gasette of the

6th idem, appointing certain gentlemen to be Justices of the Peace for the town of Calcutta—

For

" Lieutenant-Colouel Augustine Allen," Read

" Lieutenant-Colonel Alexander Stewart Allau."

C. BERNARD.

Offg. Secy. to the Goot. of Bengul.

The following Order issued by the Government of India, in the Military Department, is republished for general information :-

No. 228.-Fort William, the 4th March 1872.-The following paragraphs of a Military letter from the Right Hon'ble the Secretary of State for India, No. 33, dated 8th February 1872, are published for general information :-

The under-mentioned Officers and Warrant Officers have been permitted to return to their duty, vie. :-

Lieutenant-Colonel W. Gordon.

* Surgeon A. A. Mantell.

*

Offg. Secy. to the Govt. of Bengal.

C. BERNARD,

NOTIFICATION.

The 7th March 1872.- It is hereby notified that under the provisions of Section 16, Act VI. of 1871 (the Bengal Civil Courts' Act), the Lieutenant-Governor directs that the Court of the Moonsiff of Toobkibagrah be held at Hajigunge, in the district of Tipperah.

C. BERNARD,

Offg. Secy. to the Gont. of Bengal.

The following Notification issued by the Government of India, in the Home Department, is published for general information :-

No. 478.

HOME DEPARTMENT.

JUDICIAL.

Fort William, the 12th March 1872.

NOTIFICATION.

It is hereby notified that the Secretary of State for India has by Resolution in Council declared the provisions of the 1st Section of an Act passed in the 38rd year of Her Majesty's reign, chap. 3, entituled an Act to make better provision for making Laws and Regulations for certain parts

of India and for certain other purposes relating thereto, to be from the 15th day of March 1872 applicable to the following parts of the territories under the Government of the Lieutenant-Governor of Bengal, that is to say, -

The Damin-i-koh.-So much of Pergunnali Bhaugulpore and of Pergunnah Sutticare as lies east of the Gerooah Nuddee, and south of a line drawn castward from Humza Chuck to the village of Dighee.

Pergunnah Teleeaghuree ... Except such parts of them as are now or may be hereafter situate on the left bank of the main stream of the Ganges, so that in any change in the course of Bhaugulpore Inayutnuggur... 33 Mukraen 33 Sooltangunge ... 37 Umber 22 Sooltanabad ... Zillah 13 Godda 33 Umloo Mooteah 22 Pussve . . . 22 Hendwa ... Tuppeh Munceharee ... Belputta Pergunnah Pubbia Beerbhoom Tuppeh Saruth Deoghur ...

in the course of the river the main stream shall be the boundary.

Except such detach-Except such detach-ed villages as lie within the general boundaries of per-grammle not men-tioned in this achedule,

Except such detach-ed villages as he within the general boundaries of pergunnalis not men-tioned in this schedule.

Such detached portions of other Pergunnahs and Tuppels as lie within the general boundaries of any of the abovementioned Pergunnahs and Tuppelis.

Kundit Kurayeh ...

Mohumdabad Such part of Pergunnah

Durreen Molissur as lies

north of the Chilla or Chun-

(dun Ghat Nullah.

Such portions of Pergunnahs belonging to Maldah and Purneah below the village of Khederpore, in Pergunnah Teleeaghuree, as are now or may hereafter be situate on the right bank of the main stream of the Gauges.

C. BERNARD.

Offg. Secy. to the Govt. of Bengal.

NOTIFICATION.

The 4th March 1872 .- It is hereby notified for general information that the following shall be the boundaries of the local jurisdiction of the Goalundo Small Cause Court in the district of Furreedpore, with effect from the 1st April 1872.

On the east, north, and west .- The river Ganges or Pudda (the boundary of district Furreedpore).

On the south-west, and south.—A line starting from the banks of the river Ganges or Pudda, passing along and including the villages of Chur Gochdoho, Gochdoho-Sellimpore, Katooree, Maleekandee, Kismut Oorakandee, &c., Nynsook with tola Bend Nynsook, &c., Dillundee, Chur Dillundee, Chur Burmarra, and Koalee Janee, and closing on the bank of the river Ganges or Pudda.

List of villages comprised in the jurisdiction of the Goalundo Small Cause Court.

No.	Names of villages.		Thakbust Nos.		Pergunnahs.
1	Kunnyeda*	•••	459	***	Kassimnuggur
	Chur Devoolee		462		
	Arazee Devoolee		467		Ditto.
	Khoord Gobindpore		464		Sindooree.
5	Chur Jypore		466	b!	Shazadpore.
	A	• • •	463		Ditto.
	or no i		465	***	Ditto.
	Bhaboocel		480	***	Umcerabad.
	Turpeykantsagr,* Kismut Bhabooeel		479	*	Bankipore.
10	75.		478	Mag - 1	Shazadpore.
	34 11 11		476		Ditto.
	A 75 11 7		475	,	Kassimnuggur.
	Bhaboocel		477		Mahomedpore.
	Palundo		487		Moobaruk Oojeeal.
15	Dhobagattee		481		Shazadpore.
	Ootur Baghabaree or Chur Baghabar		488		Jehangeernuggur.
	Other Charles	• •	486		Kassimnuggur.
	50 .1		482		Umeerabad.
	O 1 1		483		Ditto.
20	1		484		Kassimnuggur.
W 17	(1) 121		493		Mahomedpore.
	15.1		485		Shazadpore.
	Cities Interest Inc.		494		Kassimnuggur.
	(1) D		507	•••	Ditto.
25	72 1 T		508		Ditto.
20	10.01		496		Ditto.
	Nynsook with tola Bend Nynsook, &		451		Ditto.
	82 (2))) 0	• •	445		Ditto.
	W7 .4 34 1 1 1		4:37	•••	Ditto.
30	(1 1 1 1 () 11'		433	• • • •	Dhooldee.
00	(2) (3 1 1 1 1		436		Ditto.
	(3) 1) 1		439		Shazadpore.
	COL A 1 M		4-10	* * *	Umeerabad.
	25 (25 11 46		441	8 0 0	Soojabad Kootoob
	Deter Dug Hater	• • •		***	**
35	Kookheelle*		456		pore. Umeerabad.
UU	76.7 3 1 Ma		457	***	Berhampore.
	C 1 234 Th 11 .1		455	•••	Soojabad.
	O 11		458	* * *	
	At A		468	* *	Kassimnuggur.
40	Hoomorea		469	* * *	Tuppeh Bankipore.
4v	1	•••	470	***	Ditto,
	E' la Hank	• • •	471	***	Shazadpore. Ditto.
	O. Lanuall	• • •	472	***	Ditto.
	D Dill.		473	* * *	Ditto.
A E	A . D II 1	•••	474	* * *	
45			_		Tuppeh Amropore.
	() Manual	• •	454	4 0 0	Soojahad.
	Goanung .	••	489	,***	Soojahad Kootoob-
	Pooroolee .		450		pore.
		• •	453		Shazadpore.
FO	Azazee Chitta Panooer Baghabaree .		490		Tuppeh Amropore.
50	/"\ T\ .	• •	491		Kassimnuggur.
	_	• •	492		Ditto.
	Seetulpore .	••	452	* * *	Soojabad Kootoob-
	Dillundee .		4.95	•••	Shazadpore.
	V	••	443		Umeerabad.
55		••	442	••	Ditto.
,	D. L. com-lead-com-		438	•••	Shahjahanpore.

Note.—In the above list the names given are those of the villages as demarcated and surveyed by the Revenue arvey establishments in 1868-59, and as shown on their maps and records.

The villages marked thus are reported by the local authorities to have been entirely washed away.

C. BERNARD,
Offg. Secy. to the Govt. of Bengal.

Public Works Department,—Bengal.

No. 99.

The 9th March 1872.

Notification .- Under the authority conveyed in Section XCVII of the District Road Cess Act of 1871, His Honor the Lieutenant-Governor of Bengal is pleased to prescribe the following forms of annual estimate and accounts required to be prepared and kept under Sections LXX and LXXVII of that Act.

2. These forms consist of-

No. 1. Annual Estimate of Income and Expenditure, Parts I and II.

" 2. Statement of Revenue Assessed and Realized.

" 3. Cash Book.

Cash Book.

Cash Abstract Book. Parts I and II, Receipts and Expenditure.

Register of Monthly Receipts and Expenditure.

Annual Account Current of Receipts and Expenditure, Parts I and II, to be prepared by the Vice-Chairman.

,, 7. An account of Deposits. ,, 8. An account of Advances.

3. An extract from the entries in the Register, Form No. 5, for each quarter, will be submitted by the Vice-Chairman direct to the Account Branch of the Bengal Secretariat,

Public Works Department, and also to the Commissioner of the Division, not later than the 20th of the month following that to which the outries apportain.

4. The Lieutenant-Governor is also pleased to rule, under the above authority, that the form in which the Collector shall render an account of his receipts and disbursements under Section LXXXVI of the Act shall be the usual form of Treasury Remittance and Pass Book in use in the Government Treasuries. The Lieutenant-Governor is likewise pleased to direct that the Accounts of District Committees formed under Resolution No. 1009, dated 23rd February 1872, (published in the Calcutta Gazette under Notification No. 88 of the 4th current), but not under the District Road Cess Act shall be kept in the same form as those under the District Road Cess Act.

No. 1.

District Bond Hund.

ANNUAL ESTIMATE

OF

INCOME AND EXPENDITURE

FOR

Approved at a Meeting of the District Road Committee held on the Number of Members present

Number who approved of the Estimate

No. 1.-PART I.

DISTRICT ROAD FUND.

Estimate of Income and Expenditure from

to

Income.		Estimate for	Expenditure.		Estimate for
REVENUE UNDER DISTRICT ROAD CESS AUT OF 1871-	71-	Rs. As. P.	ON COLLECTION OF REVENUE-		Rs. As. P.
Cess on Lands " on Mines, Railways, &c. " on Hquees	::::		Establishment Contingent Charges	•	
Moad Chasus leviable otherwise than under the District Read Cess Act	District Road Cess Act	•	Original Works— Roads and Bridges River and Ca al Works	a; * ∴ :	gamagaman or og gama gallandar e
Road Tolls Canal or River Tolls	:::		Mointenance and Repairs— Roads and Bridges River and Canal Works		
Greats-in-aid from Provincial Reserve Fund Sales of Produce and Stores.	: : : :	• • • •	Establishment Tools and Plant		
	Total Income		Total Ex	Total Expenditure	
white his on the		Rs. As. P.			
···	Total				
Constitute of 187 -7 as above					
Problems balance on the	:			Fice Chairman.	

No. 1.—PART II.

DISTRICT ROAD FUND.

Details of the several items of Income and Expenditure as set forth in the Annual Estimate for 1872-73.

Sub-head of Estimate.	Particulars.		Estimate for
			The day of the statement
			Rs.
	Іксомі.		
			1
[Here enter, in consecu- tive order, as in esti- mate.]	[Here enter details of each source of Income. Each Fer. Road or Canal being separately entered. Also each gran and the chief miscellaneous items.]	on and each Toll on each Ofrom Provincial Funds	
			1
	Tita	d extimated Income	
	Expenditure.		Rs.
Establishment for col- lection of Revenue.			
		Total esti- mated cost of work. Estimated outlay to end of cur- rent year.	
Original Works.	[Here enter details setting forth proposed expenditure on each work during the year.]		
Repairs.			
2009			
And so on			
	Medal man	oposed Expenditure	30
A Property of the State of the	Louis pro	Proton Turbenature	

No.

Statement of Revenue assessed and realized from

	-pang-	REVENUE ASSESSED FOR BACH QUARTER.
Particulars of source from whence to be realized.	Balance on ing on	Total.
REVENUE UNDER DISTRICT ROAD CRSS ACT OF 1871.	Re. As, P.	Re. As. P. Re. As. P. Re. As. P. Re. As. P.
Assessments on lands		
[Here enter particulars of each claim.]		
Total		
Assessments on Mines, Railways, &c.		
Total		
Assessments on Houses		
Total Assessments under District Road Cess Act of 1871		•
Road Cesses leviable otherwise than under the District Road Cess Act		
Receipts from Tolls	•	
Here enter particulars of each Toll Bar.]		
Total Tolls and Road		
[And so on for each description of Toll]		

DISTRICT ROAD FUND.

the 186

to the

he 181	to the				
	REVENUE REALIZED	IN EACH QUARTER.	(2)	tstand	
Total to			Total.	Balance cartstand- ing on the	Remarks.
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THE CALCUTTA GAZETTE, MARCH 18, 1872.

172

ROAD FUND.

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No. 4. DISTRICT ROAD FUND.

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Register of Monthly Receipts

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	Enter each Sub-head of Income as per Annual Estimate.] Total INCOME Expenditure. Collection of Revenue— Establishment							
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DISTRICT ROAD FUND.

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No. 6. PARPI.

DISTRICT ROAD FUND.

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Annual Account of Income and Expenditure from

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Passed for Rupees

... | Members of the Committee.

No. 6.—PART II.

_DISTRICT ROAD FUND.

Details of Income and Expenditure for the year to accompany the Annual Account for that year.

Amount sanctioned as per Budget Estimate.	Particulars.	Amount.	Total.
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	Amount sanctioned as per Budget Estimate.	Total Income Expenditure.	Total Income Expanditure.

No. 7.

DrACCOUNT	OF	DEPOSITS	-
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Deposits refunded.	Amount.	Total.	Deposits received.	Amount.	Total.
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No. 8.

Advances made.	Amount.	Total.	Advances recovered.	Amount.	Total.
	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A.P.

ESTABLISHMENT.

No. 100.

The 9th March 1872.

Notifications.—Mr. W. Barnfather, Executive Engineer, Second Grade, assumed charge of the Bhaugulpore Division on the 29th February 1872, afternoon.

No. 101.

Mr. H. Joll, Executive Engineer, Fourth Grade, assumed charge of the First Presidency Division on the 4th March 1872, afternoon.

No. 102.

Mr. J. T. Simpson, Assistant Engineer, Second Grade, officiated as Executive Engineer of the First Presidency Division, from the afternoon of the 20th February to the afternoon of the 4th March 1872.

No. 103.

Appointment.—Baboo Ghunnessam Bhuttacharjee, Probationary Accountant, Fourth Grader attached to the Akra Division, having passed the prescribed examination, is permanently appointed in that Grade.

No. 104.

The 11th March 1872.

The following Orders issued by the Government of India, Military Department, are republished for information:—

No. 228 of the 4th March 1872.—The following paragraphs of a Military letter from the Right Honble the Secretary of State for India, No. 33, dated 8th February 1872, are published for general information.

2. The undermentioned Officers and Warrant Officers have been granted extensions of leave for the periods specified, viz:—

Captain J. L. Watts, R.Z.,

... 1 month.

No. 247 of the 8th March 1872.—The undermentioned Officers and Warrant Officer have reported their return from England:—

Lieutenant-Colonel F. J. Davies, of Infantry, Excentive Engineer, Department Public Works, Bengal,—date of arrival at Fort William, 22nd December 1871 (date of departure on furlough 22nd December 1869.)

No. 105.

The following Order issued by the Government of India, Public Works Department, is republished for information:—

No. 122, dated the 2nd March 1872.—Mr. E. S. B. Pereira, Executive Engineer, Fourth Grade, Bengal, is reduced to the rank of Assistant Engineer, Second Grade.

No. 106.

The 12th March 1872.

Promotions.—The Lieutenant-Governor is pleased to make the following promotions in the Upper and Lower Subordinate Establishments in Bengal, with effect from the 1st March 1872:—

IMPERIAL.

UPPER SUBORDINATE ESTABLISHMENT.

To be Sub-Engineer, First Grade.

McCullagh, Mr. W., Sub-Engineer, Second Grade, First Presidency Division.

To be Sub-Engineer, Second Grade.

Saunders, Sub-Conductor S. S., Sub-Engineer, Third Grade, Dinapore Division.

To be Overseer, First Grade.

Guptoo, Baboo Bolychand, Overseer, Second Grade, Third Presidency Division.

To be Overseer, Second Grade.

Chatterjee, Baboo Chunder Coomar, Overseer, Third Grade, Cuttack Division.

To be Overseer, Third Grade.

Mozumdar, Baboo Beharyloll, Sub-Overseer, First Grade, Sylhet Division.

Mookerjee, Baboo Tara Prosono, Sub-Overseer, First Grade, Dinapore Division.

LOWER SUBORDINATE ESTABLISHMENT.

To be Sub-Overseer, First Grade.

Banerjee, Baboo Madhub Chunder, Sub-Overseer, Second Grade, Purneah Division.

To be Sub-Overseer, Second Grade.

Chand, Baboo Kally Cant, Sub-Overseer, Third Grade, Sylhet Division.

H. LEONARD, C.E.,

Offg. Secy. to the Gorl. of Bengal,

P. W. D.

Irrigation.

ESTABLISHMENT.

NOTIFICATION.

No. 57.

The 8th March 1872.

Transfer.—Private W. Byrne, Overseer, First Grade, from the Cossye Division to the Soane Circle.

No. 58.

Mr. C. W. Hope, Executive Engineer, Third Grade, who obtained leaves to Europe on private affairs, having left Calcutta on the 13th February 1872, will be borne as a Supernumerary on the Engineer Establishment of the Irrigation Branch, Public Works Department, Bengal, in that Grade, from the above date.

No. 59.

The 12th March 1872.

Leave.—Mr. P. B. Roberts, Assistant Engineer, Second Grade, attached to the Patna Division, is allowed privilege leave for three months, under Section 16 of the Uncovenanted Service Absentee Rules, with effect from the 18th March 1872.

No. 60.

The following Order issued by the Government of India, Public Works Department, is republished for information:—

No. 124, dated 2nd Murch 1872.—Serjeant H. Gearing, Supervisor, Second Grade, Bengal, Irrigation Branch, having obtained his discharge from the Army on the 19th of January 1872, is is appointed to the Public Works Department as a Civilian, in the same Grade, with effect from that date.

No. 61.

Posting.—Lieutenant F. F. Cotton, R.E., Executive Engineer, Fourth Grade, to the Orissa Circle.

No. 62.

Erratum.—In Notification No 21, dated 16th January 1872, for sick leave for "two months and seventeen days," read "two months and twenty days."

IRRIGATION.

No. 63.

Notification .- Whereas it appears to the Lieu. tenant-Governor of Bengal that land is likely to be required to be taken by Government at the public expense, for a public purpose, viz. for the construction of an embankment connecting the weirs across the Braminee and Pattia Rivers, in the villages of Jubbra and Kuntia Kona, in Pergunnah Oola, and Buggut Bugwanpore, Manpore, Sokodopore, Janapore, and Sreebuntpore, in Killah Mudpore, it is hereby notified under the provisions of Section 4 of Act X. of 1870 that, for the above purpose, a piece of land measuring, more or less, 306 bregals and 5 cottahs of standard measure. ment, bounded on the north and west by the Braminee and Pattia Rivers, and on the south and east by the villages abovenamed, is likely to be required within the aforesaid villages of Jubbra, Kuntia Kona, Buggut Bugwanpore, Manpore, Sokodopore, Janapore, and Sreebuntpore.

No. 64.

Declaration under Section 6 of Act X. of 1870 of the Covernment of India.—Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken by Government at the public expense, for a public purpose, viz. for the extension of the first range of the tidal canal, extending from the junction of the Gowakhally Khal with the river to Mouzah Rungeebasan, in the villages Latsal, Rajehuck, Poorbo Sreerampore, Banka, Rungeebasan and Palanpore, Pergunnah Mysadul, Zillah Midnapore, it is hereby declared that, for the above purpose, a piece of land, measuring 289 beegahs 1 cottah and 15 chittacks of standard measurement, 4½ miles long and 200 feet broad, more or less, is required within the aforesaid villages of Latsal, Rajehuck, Poorbo Sreerampore, Banka, Rungeebasan, and Palanpore, Pergunnah Mysadul.

This Declaration is made, under the provisions of Section 6 of Act X. of 1870, to all whom it may concern.

F. T. Haig, Lieut .- Col., R.E.,

Offg. Joint-Secy. to the Goot. of Bengal, in the P. W. D., Irrigation Branch.

Digh Court Notices.

Orders by the High Court of Judicature at Fort-William in Bengal.

TRANSFERS OF MOONSIPPS.

The 12th February 1872.—Baboo Pearce Lall Banerjee, Sudder Moonsiff of Patna, to be Sudder Moonsiff of East Burdwap.

Baboo Bolsok Chand, from Bhauguipees 40 Sudder Station, Patna.

Baboo Nitto Gopal Mullick, Moonsiff of Beergunge, to Alipore, 24-Pergunnahs, as Second

Baboo Sharoda Pershaud Chatterjee, Additional Moonsiff of Midnapore, to be Sudder Moonsiff of that district.

The 29th February 1872 .- Baboo Poreshnath Sircar, B.L., Additional Moonsiff of Midnapore, to be Additional Moonsiff of Chittagong.

The 9th March 1872 .- Baboo Keshubnath Bishee, from Buddergunge, Zillah Rungpore, to Kotulpore, Zillah West Burdwan.

Baboo Kasseenath Doss, from Kotulpore to Buddergunge, Zillah Rungpore.

NOTIFICATIONS.

The 26th February 1872.—Baboo Ananda Kumara Survadhikari, Moonsiff of Golaghat, in Assam, for one month, in extension of that granted to him on the 19th December last, under paragraph 11 of the Uncovenanted Absentee Rules.

The 29th February 1872.—Moonshee Lutafut Hossein, Moonsiff of Arungabad, Zillah Gya, for one month, without pay, under Financial Notifica-tion No. 542, dated 4th June 1864. The Moonsiff's Scrishtadar to be placed in charge of the current duties of the office.

Baboo Shitul Chunder Mookerjee, Moonsiff of Thakoorgong, Zillah Dinagepore, for six months, in extension of that granted to him on the 22nd December last, under paragraph 11 of the Uncovenanted Absentee Rules.

The 2nd March 1872 .- Moulvie Dadar Bukhsh, Moonsiff of Futtikeherry, Zillah Chittagong, for three months, without pay, under Financial Notification No. 542, dated the 4th June 1864.

The 6th March 1872.- Baboo Kaderessur Roy, Moonsiff of Khoolnea, Zillah Jessore, for one month, under Section XIX. of the Covenanted Leave Code.

The 7th March 1872.—Baboo Mohesh Chunder Chuckerbutty, Moonsiff of Putuakhally, Zillah Backergunge, for three months, under paragraph 11 of the Uncovenauted Absentee Rules.

The 8th March 1872.—Baboo Seosurn Lall, Additional Moonsiff of Purneah, for three mouths, under paragraph Il of the Uncovenanted Absentee Rules, in extension of that granted to him on the 27th December last.

The 9th March 1872.—Baboo Poreshnath Banerjee, Officiating Sudder Moonsiff of Midnapore, for three months, under Section XIX. of the Covenanted Leave Code.

The leave for one month, under paragraph 11 of the Uncovenanted Absentee Rules, granted to Baboo Jogesh Chunder Mitter, Additional Moonsiff of Baraset, Zillah 24-Pergunnahs, notified in the Calcutta Gazette of the 14th February 1872, page 465, has been converted to leave for one month, under paragraph 16 of the Uncovenanted Absentee Rules.

By order of the High Court,

F. B. PRACOCK, Registrar. Circular Orders by the High Court of Judicature at Fort William in Bengal.

No. 7.

To all Civil Authorities, Lower and Non-Regulation Provinces,—(dated Calcutta, the 20th February 1872.)

THE following instructions are laid down fo

HIGH COURT, &c., CIVIL SIDE.

Present:

The Hon'ble Sir R. Couch, Kt,

Chief Juntice. The Hon'ble G. Lock.

Louis S. Jackson,

A. G. Macpherson,

E. Jackson,

Judges of the Court.

observance by al Civil Courts subordinate to the High Court, when issuing Commissions under Section 175 of the Code of Civil Procedure (VIII of 1859)

for the examination of witnesses resident beyond the jurisdiction of the Court issuing the Commission and not within the local jurisdiction of the

High Court on its Original Side.

Such Commissions ought not generally to be directed to the District Courts, the terms of the law requiring that it be issued ordinarily to the Court within whose jurisdiction the witness may reside " and which can most conveniently oxecute the same." This language clearly points to the Courts of first instance with narrow local limits, so that on the one hand the labor of examination may be divided and may not accumulate on the District Court, and, on the other, that the witness may attend the nearest Court.

3. The Commission should therefore, in ordinary cases, and especially those issuing from Moonsiffs' Courts, be addressed to the Moonsiff within whose jurisdiction the witness resides, by whom, for the above reasons, the evidence can usually be taken more conveniently

than by the Subordinate Judge.

By order of the High Court,

F. B. PRACOCK, Registrar.

CIRCULAR MEMO. No. 3.

To all Judges of Courts of Small Causes,-(dated Calcutta, the 9th February 1872.)

In supersession of the forms prescribed by Circular Order No. 12, dated 19th December HIGH COURT. HIGH COURT,
CIVIL SIDE.
Present:
The Hon'ble Louis S. Juckson,
One of the Judges of the Court. 1862, all Judges of Courts of Small Causes are required to make

their monthly returns of work to the High Court in the two forms sent herewith.

Where a Judge presides over more than one Court, he should show the work of each Court distinctly in the manner described in Circular Order No. 12, dated 23rd June 1865. The work, however, of two or more Courts, though exhibited separately, should not be entered in different statements; but should appear in different sections

of the same statement so as to admit of the general results being exhibited in aggregate at the foot of the returns. The Superintendent of Stationery has been

furnished with samples for the supply of Indents,

which should specify the number of Courts pre-sided over by the indenting Judge.

By order of the High Court,

F. B. PEACOCK, Regisitur.

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Departmental Notices.

Revenue Survey Department.

No. 31.

On the 5th instant Mr. FREDERICK WILLIAM Kelly, Revenue Surveyor, Second Grade, doing duty in the Head-Quarters' Office, Calcutta, passed by the First or Lower Standard of Vernacular examination laid down in G. O., Military Department, No. 734, dated 9th September 1864.

D. C. Vanhenen, Col., R.A., Supdt. of Receive Surveys, Upper Circle. CALCUTIA, The 26th February 1872.

Revenue Survey Department.

No. 33.

Mr. JAMES O'TOOLE, Probationary Assistant Revenue Surveyor, is promoted from the Fourth to the Third Grade, with effect from the 10th instant .

D. C. VANRENEN, Col., R.A., Supdt. of Revenue Surveys, Lower Circle. CALCUTTA.

The 12th March 1872.

Notification.

DEPUTY COLLECTOR BAROO KALLY CHURN Guose has been placed in charge of the Alipore Treasury, and authorised to draw bills on other public treasuries.

H. COCKERELL, Offg. Commissioner.

COMMER'S OFFICE, PRESIDENCY DIVE., Calcutta, the 15th February 1872.

Notification.

BAROO RAMAKHOY CHATTERFEE has been placed in charge of the Midnapore Treasury, and authorized to draw bills on other treasuries.

C. T. BUCKLAND, Commissioner.

COMMR.'S OFFICE, BURDWAN DIVN., The 1st March 1872.

Notice.

Montyle Abbook Ghufook, Deputy Collector, has been placed in charge of the Sylhet Treasury, and authorized to draw bills on all other treasuries.

F. B. SIMSON, Commissioner.

DACCA COMMR.'S OFFICE, The 12th February 1872.

Notification.

DEPUTY COLLECTOR BAROO NUNDKISSORE DASS has been placed in charge of the Poorce Treasury, and authorised to draw bills on all other treasuries.

> T. E. RAVENSHAW, Commissioner.

OBISSA COMMISSIONER'S OFFICE, The 8th March 187

Notification.

MR. EXTRA ASSISTANT COMMISSIONER R. LEA has been placed in charge of the Durrung Treasury, and is authorized to draw bills on other treasuries.

H. HOPKINSON,

Governor General's Agent, N. E. F., and Commissioner of Assam.

GOWHATTY, The 4th March 1872.

Opium Notification.

No. 110C.

Notice is hereby given that the Fourth Sale of Opium, the provision of 1870-71, will be held at the Government Opium Sale-room, No. 2. Bankshall Street, on Wednesday, the 3rd April 1872, at 11 A.M., and will comprise 3,575 Chests, viz. :-

... 2,000 Behar Opium ... 1,575 Benares ditto

> ... 3,575 **Total Chests**

2. The general conditions of the sale now advertized will be the same as usual: they may be ascertained by reference to the Notification issued on the 10th November 1871, and published in the Government and Exchange Gazettes, or on personal application at the office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 8th and 18th April respectively; that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the sale-room, will be received after 4 r.m. of Monday, the 8th April 1872, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 r.m. of Thursday, the 18th April 1872.

4. In addition to the quantity above advertized for sale, the following quantities more or less of Behar and Benares Opium will be brought to sale in the present year on or about the dates specified below. The Member in charge of the Opium Department, however, reserves to himself the right of altering these dates should circum-

stances render it expedient to do so :-

Dates.	Rehar about Chests.	Benaren nbout Chests.	Total about Chests,
On or about Monday, 6th May 1872	2,000	1,575	3.575
On or about Thursday. 6th June	2,000	1,575	3,675
On or about Thursday, 4th July ,,	2.00	1,575	3,575
On or about Monday, 5th Aug. "	2,000	1,575	3,575
On or about Thursday, 6th Sept. ,.	2,000	1.575	3,575
On or about Tuesday, 1st Oct. ,,	12(4) ₂₀₀	1,575	3,575
On or about Wednesday, 6th Nov. "	2 (88)	1,575	3,575
On or about Thursday, oth Dec. "	2,000	1,575	3,675
Total chests	16,000	12,600	28,600

By order of the Member in charge.

T. B. LANE,

Secretary.

BOARD OF REV., FORT WILLIAM, The 26th February 1872.

RETAIL PRICES OF FOOD AS REPORTED TO GOVERNMENT AT THE CLOSE OF THE MONTH OF FEBRUARY 1872.

Number of Seers of 80 Tolahs weight retailed for a rapes.

	[क्षेत्र	CLEANED RICK IN ORDINARY USE.	Pulses in Ordinary USE	WHEAT.	ATTAH.	Janrra, Jowa And Scon Guains.
	Et.	Cheapest sort.	Cheapest sort.	he three grears. cherpest	years.	of the three ding years.
AT	Local of Relating	Average rate of the three or retail produit years.	Average rate of the three or four preceding years. Present price.	Average rate of the three or four presents, Present price of the uper kind.	Average rate of the three or four preceding years. Present price of charpest kind.	Average rate of the three or four preceding years. Present price of cheapest kind.
	instricts			arly the san	110.	
Purneah Nya-Doomka Ragmehal	29th Feb. 1872 5th Mar. 1872 4th	16 251 28 28 20 211 21	$egin{array}{cccccccccccccccccccccccccccccccccccc$	$egin{array}{c c} 49 & 20 \\ 14 & 13 \\ 16 & 23 \end{array}$	10} 10 12 12 12 11	31 30 43 40 35 40
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didnapore	29th Feb. 1872 1st Mar. 1872	25 21 27 161 221 27	17 17 18 7 144 22	10 16 114 13	8 = 10 8k 9	
hittagong Lymensi ngh	1st	25 234 33	10 14 30	15 •	71 9	
ylhet alasore	26th Feb. 1872 1st Mar. 1872	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	14 214 32 10 17 16	211 131 9 12	9 141	
4-Pergunnalis	1st "	174 20 224	131 13 141 10 134 20	144 16 94 15	$\frac{9}{7\frac{1}{5}}$ $\frac{87}{7\frac{1}{5}}$	
ograh Iaunbhoom	1st ,,	20 30 29	16 20 20	16 16	12 : 11	
amroop	29th Feb. 1872 29th	20 20 26 10 18 18	20 13 22 10 25 18	13 22 12 16	6 8	
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ancoorala	, 29th Feb. 1872	201 29 29	18% 17% 21%	21 18]	14 - 13}	35 ; 32
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acca achar	Ist ,	245 2376 32	36 10g 17g	13 % 13 %	6,7 87	•
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essore atua	29th ,	20 231 23	16 265 32	1711 22	10[3] *	32 32
inage pore ingbhoom	1st Mar. 1872 2nd Feb. 1872	27 324 34 32 33 40	$egin{array}{cccccccccccccccccccccccccccccccccccc$	12 / 12 13 22	9§ 10 10 12	
ulpigorce	28th	16 * 13	16 • 16	* 11	* 8	
		Districts in which		es are dearer		
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ya	1st Mar. 1874	211 19 24	244 23 5 25	161 22	13 3 20	31 % 36 20 21
Champarun aran	1st 28th Feb. 1872	25 20 27 15 171 19	$egin{array}{c cccc} 12 & 16 & 17 \ 224 & 165 & 30 \ \end{array}$	24 - 25 144 - 174	16 17 101 14	27 20
uckhimpore	, 29th ,,	71 7 13	9 8 9	9 10	5	•
	Distric			nd some chea		#01 0 0
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urdwan	29th "	247 26 271	119 231 241	151 151	101 91	• •
eerbhoom ipperah	29th 26th	21 251 29 20 29 371	8 28 30 8 17 32	17 17 10\ 14	121 10 7	30
nekergunge	26th ,	16 22 5 221	12 16 125	* 11	71 7	
ooree uddea	26th ,. 1st Mar. 1872	2418 30 27 27 16 25 211	17 (6 15) 18) 20 37 (6 45)	8 ³ 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	$egin{array}{c ccccccccccccccccccccccccccccccccccc$	
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ubna ungpore	1st 29th Feb. 1872	15 281 257	10] 14] 25]	16 20	81 9	
onurduggah	28th "	22 271 25 12 211 25	8 153 16 12 25 221	15 14 201 22	$\begin{array}{c ccccccccccccccccccccccccccccccccccc$	35 50 40 30
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eebsungor	29th ,,	21 24 24	10 10 10	8 8	4 4	20 23
Inriceling Jowalpurah	28th ,, 1st Mar. 1872	8 13 14 13 14 15	6 8 8 8 13 14 15	8 8	8 8 8	40 40
soueshurun	1st Mar. 15/2					

[•] Information not supplied.

Published for general information,

R. H. Wilson, Offg. Under-Secy, to the Govt. of Bengal.

FORT WILLIAM,
The 12th March 1872.

NOTICE.

THE following Packages landed from the undermentioned Ships are lying unclaimed at the Castom House. If the Goods are not cleared on or before the dates stated against each item, they will be sold, under Section 57 of Act VI. of 1863, for the realization of duty, wharfage, and other charges:—

```
Mark or Address of Packages.

1 Box. Mr. R. Taylor, Oak Lodge, Dalhousie Hill,
                                                                                      Ships.
     Date of Sale.
              30th ...
1872, Mar.
                                                                                 ... Meinam.
                                 viá Loodiana, Punjab, India
                            2 Boxes, M N
2 Cases, C. N. and Co.
                                                                                 ... Mahratta.
              23rd
                                                                                 ... Dacca.
      23
                     ... { 11 Bars of Iron, 8 Pieces ditto, } no mark
                                                                                 ... Catheart.
              23rd
      ,,
                          10 Cakes of Spelter, M
              23rd
                     . . .
      "
              30th ...
                           1 Case, [G. A. & Co.] C. L. & Co.
                                                                                ... Oriental.
      23
                           2 Druns, [X]
1 Bag, R
              30th
                                                                                     Ditto
      33
                                                                                ... Meinam.
              30th
      22
                            1 Bag, J E
                                                                                     Ditto.
              30th
                     . . .
      13
                                                                                ... Hindoostan.
              30th
                            1 Bundle, no mark
                     ...
                                                                                ... Ditto.
              30th
                           2 Boxes, no mark
                    ...
      ,,
              30th
                            1 Bag, no mark
                                                                                      Ditto.
                     ...
                                                                                ...
              30th
                            1 Parcel, [C B C]
                                                                                ... Burmah.
                    ...
      ,,
              30th ...
                            1 Keg, [S. S. & Co.]
                                                                                ... Ditto. ... Deccan.
                                                                                     Ditto.
                          27 Cases, M Y
              6th
    April
                    ...
 CALCUTTA CUSTOMS,
                                                              J. A. CRAWFORD, Collector of Curtoma.
      The 12th March 1872.
```

NOTICE.

The following Package has been landed at the Custom House from the undermentioned Ship under the provisions of Section 52 of Act VI. of 1863. If the Goods are not cleared before the date stated against the item, they will be sold for the realization of duty, wharf rent, and other charges, under Section 56 of Act VI. of 1863:—

Date of Sale.

Mark or Address of Package.

Ship.

1872, April 27th ... 300 Cases, [J B B]

... Antoinette.

CALCUTTA CUSTOMS,

J. A. CRAWFORD, Collector of Customs.

The 12th March 1872.

Commissioners for making Improvements in the Port of Calcutta.

NOTICE.

UNDER SECTION 69 OF ACT V. (B.C.) OF 1870.

The following Packages landed at the Jetties from the undermentioned Ships have been removed to the Commissioners' Import Warchouse, where they remain at the risk and expense of the owners. If not cleared within two months from the date stated against each item, they will be sold under Section 72 of the said Act:—

	l remo		HE SH	id Mcc.—				
10	Import	-		No., mark, and description.	,	Consignees.		Shipa.
	rehous	e.						
	872.							
Mar.	2nd		1	Case, [75] A. B. & Co.	* * *	Order		Killarney.
2)	2nd		2	Cases, [63] A. B. & Co.		,,		Ditto.
21	2nd		16	Packages, [A R K, 827] B.	B. & Co.	51		Ditto.
22	2nd		- 1	Sample, addressed		Alfred D Burke		Ditto.
39	2nd		1	Sample, C N C	* * *	Carlisle, Nephew &	Co.	Ditto.
23	2ad			Case, addressed	1 + +	A. T. Beauon		Ditto.
'22				Cups and 9 pieces, [J P C]		Order		Ditto.
23	2nd			Cask, M & F	* * *	1)		Ditto,
23	2nd			Case, [M S M I] A B		22		Ditto.
22	2nd			Cases, [R. A. & Co.]		23		Ditto.
22	A 2			Cases, [8913]		19		Ditto.
12	2nd			Cases, [29] D		G. E. Hotel		Botanist.
23	2nd			Cases, [D]		Order		Ditto.
23				Cases, [D. S. & Co.]		Dwarka Nath Sein		Ditto.
3)	2nd			Casks, [29] E D J	044	Order		Ditto.
23	0 1			Crate		22		Ditto.
3)	2nd		31	Cases, [F]	* * *	99		Ditto.
33	2nd			Cases, J V G		,,		Ditto.
"				Cases, P. & Co.]		a 1		Ditto.
2)				Cases, [P] S. & Co.	• • •	11		Ditto.
22				Sample Case, [RAC] B		Anstruther & Co.		Ditto.
23	2nd			Case, S H A C		Ahmed Woollah		Ditto.
23	2nd			Sample, G S T		Order		Ditto.
	CAL	CUT	CA.			W. D. BRUCE,	Fice-Ci	
The 11	th M	arci	187	2.		,		(1138—1
	-		- 201					1

STATEMENT showing the quantity of Sult in store available for exportation on private trade at each of the several Ports of Export in the undermentioned Districts:—

Name of Distric	Ports at whice Salt is generall available for export on private trade.	actually avail-
Ganjam	Bavanapadu, at th Nowpadah Sal	80,000
Godavery Kistna Chingleput South Arcot Tanjore Tinnevelly	Cocanada Nirampatam Madras Ennore Covelong Merkanum Negapatam Katmavady Taticorin	297,486 179,646 50,000
	Total	677,139

N.B.—Salt for export will be supplied by Government at the rates specified in the Notifications dated 21st March 1868 and 22nd April 1869, published at pages 737, Fort St. Grocor Gazette, dated 24th March 1868, and 637, dated 27th April 1869.

J. P. PENNINGTON, Bub-Scoretary.

REVENUE BOARD OFFICE,
Madrae, the 8th February 1872.

PUBLISHED for general information.

By order of the Member in charge,

T. B. LANE, Secretary.

BOARD OF REVENUE, L.P., Fort William.

Notice

Is hereby given that the undermentioned lot of waste land, estimated to consist of about 2,000 acres, more or less, situate in Mouzah Ekoratolli, Mehal Deenjoz, in the district of Luckimpore, and bounded as shewn at the foot of this notice, has been applied for under the "Rules for the sale of unassessed land in the Lower Provinces of Bengal," (Chapter XXVI of the rules of the Board of Revenue). All claims and objections in bar of the sale having been finally disposed of under the provisions of Act XXIII of 1863, the said lot will be put up to sale by auction to the highest bidder above the upset price of Rs. 5 an acre, on the 2nd May of 1872, at the office of the Deputy Commissioner of Luckimpore. The sale will be made in the manner, and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII of 1863.

W. S. CLARKE,

Deputy Commissioner.

Dr. Comme's. Oppice, Luckimpore, The 1st February 1872.

1. Lot.

North-Maijan River.
South-Sessa Nuddee and Ryotts' Basti lands.
East-Nadooa Grant.
West-Barra Bheel, Farlong Nuddee, and
Ryotts' cultivated lands.

Notice

Is hereby given that a lot of waste land, consisting of about 718 acres, situated in Mouzah Tingrai, Mehal Tingrai, District of Luckimpore, Assam, and bounded as shown at the foot of this notice, has been applied for under the rules for the sale of unassessed lands in the Lower Provinces of Bengal (chapter XXVI of the rules of the Board of Revenue). All claims and objections in bar of the sale having been finally disposed of under the provisions of Act XXIII of 1863, the said lot will be put up to sale by auction to the highest bidder above the upset price of Ro. 2-8 an acre on the 2nd day of May 1872, at the Office of the Deputy Commissioner of Luckimpore, Assam. The sale will be made in the manner and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII of 1863.

W. C. S. CLARKE, Dy. Commr., Luckimpore.

DEBROOGURH Dy. COMMR.'s OFFICE, The 3rd February 1872.

Lor 1.

Boundaries.

North—Tingrai Nuddee. South—Balijan Garden and a Path. East—Chapori. West—Tingrai Nuddee.

Notice

Is hereby given that a lot of waste land, consisting of about 157 acres 2 roods and 8 poles, situate in Mouzah Kakoratolly, in the district of Luckimpore, and bounded as shown at the foot of this notice, has been applied for under the "rules for the sale of unassessed lands in the Lower Provinces of Bengal (Chapter XXVI. of the rules of the Board of Revenue.)" All claims and objections in bar of the sale having been finally disposed of under the provisions of Act XXIII. of 1863, the said lot will be put up to sale by auction to the highest bidder above the upset price of Rs. 2.8 an acre, on the 3rd day of June 1872, at the Deputy Commissioner's Office at Debrooghur. The sale will be made in the manner, and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII. of 1863:—

Boundaries.

North—By the Bissakossijan and Suddyah road. South—By the Hilikhagooryjan. East—Road to Suddyah. West—Bissakossijan.

W. C. S. CLARKE, Deputy Commissioner.

Dept. Comme.'s Office, Luckimpore, The 29th February 1872.

Notice

Is hereby given that a lot of waste land, consisting of about 748 acres I rood and 8 poles, situate in Mouzah Rungagora, in the district of Luckimpore, and bounded as shown at the foot of this notice, has been applied for under the "rules for the sale of unassessed lands in the Lower Provinces of Bengal (Chapter XXVI. of the

rules of the Board of Revenue.)" All claims and objections in bar of the sale having been finally disposed of under the provisions of Act XXIII. of 1863, the said lot will be put up to sale by auction to the highest bidder above the upset price of Rs. 2-8 an acres on the 3rd day of June 1872, at the Deputy Commissioner's Office at Debrooghur. The sale will be made in the manner, and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII. of 1863:—

Boundaries.

North—Moree Dibroo and Dibroo River. South—Forest Jungle and Grant No. I. West—Dinjan. East—Thecka Disoyjan.

> W. C. S. CLARKE, Deputy Commissioner.

DEPY. COMMR.'s OFFICE, LUCKIMPORE, The 29th February 1872.

Notice

Is hereby given that a lot of waste land, consisting of about 513 acres 1 rood, situate in Mouzah Bogdome, in the district of Luckimpore, and bounded as shown at the foot of this notice, has been applied for under the "rules for the sale of unassessed lands in the Lower Provinces of Bengal (Chapter XXVI. of the rules of the Board of Revenue.)" All claims and objections in bar of the sale having been finally disposed of under the provisions of Act XXIII. of 1863, the said lot will be put up to sale by auction to the highest bidder above the upset price of Rs. 2-8 an acre, on the 3rd day of June 1872, at the Deputy Commissioner's Office at Debrooghur. The sale will be made in the manner, and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII. of 1863:—

Boundaries.

North—By the Moree Dibroo.
South—Grass Jungle.
East—Road to Rungagora and Dinjan River.
West—Law Jam and road to Debrooghur.

W. C. S. CLARKE,

Deputy Commissioner.

Depy. Commr.'s Office, Luckimpore, The 29th February 1872.

Notice.

Lor No. 8.

Notice is hereby given that a lot of waste land, estimated to consist of about 63 acres, more or less, situated in Mouzah Solall, Zillah Nowgong, Assam, and bounded as shown at the foot of this notice, having been applied for under the "rules for the sale of unassessed waste lands in the Lower Provinces of Bengal," will be put up to sale by auction to the highest bidder above the upset price of Rs. 5 per acre on the 17th day of June 1872, at the Office of the Deputy Commissioner of Nowgong, Assam, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII of 1863. The sale will be made in the manner,

and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII of 1863:—

Boundaries.

North, Roopeet land; South, Chekoni Purbut; East, jungle and Paneebhola tree; West, Chekonee Jooree and Paneebhola tree.

J. SHERER, Deputy Commissioner.

Nowgong, Assam, The 31st January 1872.

Notice.

LOT No. 9.

Notice is hereby given that a lot of waste land, estimated to consist of about 112 acres, more or less, situated in Mouzah Solall, Zillah Nowgong, Assam, and bounded as shown at the foot of this notice, having been applied for under the "rules for the sale of unassessed waste lands in the Lower Provinces of Bengal," will be put up to sale by auction to the highest bidder above the upset price of Rs. 5 per acre on the 17th day of June 1872, at the Office of the Deputy Commissioner of Nowgong, Assam, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII of 1863. The sale will be made in the manner, and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII of 1863:—

Boundaries.

North, jungle and Mr. Haxell's grant under ordinary cultivation lease; South, jungle and Paneebhola tree; East, Chekonee Purbut; West, Dullung Jooree.

J. SHERER, Deputy Commissioner.

Nowgong, Assam, The 31st January 1872.

Notice

Is hereby given that a lot of waste land, estimated to consist of about 150 acres, more or less situated in Mouzah Rungamatee, Zillah Seebsagur, and bounded as shown at foot of this Notice, having been applied for under the "Rules for the sale of unassessed waste lands in the Lower Provinces of Bengal," will be put up to sale by auction to the highest bidder, above the upset price of two rupees and eight annas per acre, on the 17th June 1872, at the Office of the Deputy Commissioner of Seebsagur, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII. of 1863.

Boundaries of Lot.

North, Gela Bheel; South, Gur Allee; East, by a line drawn at right angles from the Gur Allee, where a pillar will be raised to the Gela Bheel, distant 3,600 feet; West, a line parallel to the eastern boundary and distant 1,800 feet from it.

A. C. CAMPBELL, Major,

Deputy Commissioner.

ZILLAH SEEBSAGUR, Dy. Comm.'s Office,
The 20th December 1871.

	CT	JRREN	CY NOTES.		Notes	wholly la	at or dealzoyed.	
India.	Calcutta Ci it of their v	rele, are alue lus	Notes of the Government of stated to have been lost, and been claimed by the persons	Registe No.	No. of Note		Name of Claimant.	
			inst the numbers; any other			• R.		
person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with				4575	A 41565			
the undersigned :-				i i	,, 00792		9 a 80 18	
	Nata	ml 11 1	and an dandamand	į Į	,, 28692		Messrs. J. Davies & Co.	
	480103	waony i	ost or destroyed.	1	,, 42136		1	
		1	* Microsoft · ·	1	A 23391	20	6	
Register No.	No. No. of Notes Value Name of Claimfort.		4570	Total Comment	,	D - N 1		
	. 1	ì		4576	$\frac{1}{4}$ 95178	100	Roy Norendronath	
	1	Rs.		4580	1 70001	7003	Chowdry.	
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4531	12550		J. C. Cox.		,, 59651		Praunauth Roy Chow-	
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	, 21659	50		4590	A 01062	10	Tara Dutt.	
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	,, 49671	50	,	4591	A 39546	100	Bindrabun Raveteeper-	
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4533	A 78367	500	Shaik Tegally.		50912	100 (
4534	· \ 80559	1,000	Coomar Sing Gya-	4592	A 33938	50	J. D. White.	
	67279	1,000			.	41 17	7	
	76875	1,000	pershad.		Notes 1	partially	lost or destroyed.	
4535	^ 1773G	100	Purno Chunder Dutt.	4539	A. 40349	10	Messrs. Atkinson, Til-	
4536	A 73951	1,000		3000	16, 400,30	10	ton and Co.	
	85763	1,000		4540	A. 61177	10	Mr. J. Toonee.	
	, 85764	1,000	1 37 T 335 m 3	4541	Å 28827	10	Messrs. Bennett and	
	, 85765		Messrs, L. W. Toul-	30.11	, C. HOOM	, 10	Co.	
	, 85766	1.000	min and Co.	4542	A 05741	! "0) Luckbreechund Ra-	
	, 85767	1,000		4040	[스 9574] 교 18926	50	khickha.	
	, 85768	1.000		4511		50	Mirza Ibrahim Beg.	
4537	A 27739	100		4511	A 5700C	50	Ismail Khan.	
1001	,, 58027	100	1	4546	A 79151		Rundhaie Lal.	
	,, 58026		Alla Bux.	4547	A 10957	50	Benudbehary Sing.	
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4553	A 27157	100		4557	A 80835		Dwarkanath Bhunjo.	
7000	, 27158	100	Mohes Chunder Paul.		A 91100 A 21632	10	Dwarkanath Dhanjo.	
	,, 27159	100	i dut.	4440	A. 21632	10	Brignoth Sing	
	,, ~1100	2007		4558	A 91015	10	Briznath Sing. Hurronath Seal.	
4554	A 41868	100)	4562	51066	10	Pitumber Shaba.	
700°F	, 41127	100		4564	A 3429×	100	ricumper Suaua.	
	, 41126	100		4567	63913	10	Manage (la)-in Caria	
	,, 41125	100			A 37019	20	Messrs. Colvin, Cowie	
	., 35065	300	> Heraloll Nundy.		A 56301	50	and Co.	
	A 46571	50		4 = 6 =	,, 56302	50	I Ciller	
	A 31901	10		4568	A 31971	100	J. Gibbon.	
	A 18455	10		4569	A 63597	50	Doorgadoss Doss and	
	37 10200	10					Woomachurn Doss.	
4555	A 69228	500	Rossomoy Ghose.	4 2 10 2	A ##00:		3	
X400	N.B. OUME	000	1	4571	A 77284		Manager Tamon Andre	
4556	A 64298	50	1		,, 39028	20	Messrs. James Ander-	
1000	, 66294	50	1		A 69484	each.	son & Co.	
	, 65776	50	Kalashund Mondole.		,, 11426	J	J	
	A 65812	100	KEINGHUBU MONGOIC.	4582	A 03042	20	Dwarkanath Chucker-	
	, 65813	100			76252	20	butty.	
	וון מעמט נון	100		4583	A 93304	10	Juggohundhoo Goopto.	
	3			48.08	1 4 4 1 0 5 7	20	Hajee Hossein Ali.	
4570	A gonoe	1.000	Rhuggan Doss A.	4585	A 41857			
4570	A 92928	1,000	Bhugwan Doss Agur- walla.	4586 4589	A 82517 A 64734	20 10	A. J. Oldham. C. T. Davies.	

707 7	
Wrongly	joined.

Register No.	No. of Notes.	Value,	Name of Claimant.
		Rs.	
4543	A 13399 A 69397] 10	Koylas Chunder Baner- jee.
4545	A 09130	} 10	Auttol Behary Paul.
4548	^A , 94150 ,, 94151	}50	Ramessur Mookerjee.
4559	A 05652 ,, 05651	} 20	Rahamuth Khow.
4560	A 35981 ,, 35585	} 50	Bunkim Chunder Chat- terjee.
4561	A 90842 A 34908	} 10	Gunganarain Dhur.
4563	, 65248 , 65248	} 20	Syed Hossein.
4574	A 81902 A 75564	} 20	J. P. Hicks Lyne.
4577	A 51072 , 51071 A 57155 , 87147	} 20 } 20	Messrs. Wattenbach, Heilgers & Co.
4578	A 61290	} 10	Tameezuddeen, Ahamud.
4579	A 95255 ,, 95399	} 10	Kallypuddo Chucker- butty.
4594	A 18877 A 14935	} 10	Hurkuru Doss, Ram- churn Doss.
4587	A 09946 ,, 79694	} 10	Messrs. P. S. D'Rozario & Co.

L. BERKELEY,

Asst. Commr. of Paper Currency.

Paper Currency Department, The 11th March 1872.

Sheriff's Office, the 5th March 1872.

Notice is hereby given that the Third Criminal Session of the year 1872 of the lligh Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, will be holden at the Court House, in the Town Hall of Calcutta, on Thursday, the Fourth day of April next, at 11 o'clock in the forenoon, and so on from day to day until the said Session be over. And it is hereby proclaimed that all persons who will prosecute any of the prisoners to be brought up for trial at the said Session be then and there to prosecute.

John Cowie, Sheriff.

सहिक व्यक्तिम ३,०१२ माल द माई।

मक्नाद ममागात (महारा याहेरहरू या मृत्य वाक्षांनात कार्हे छेहेनियम मृत्रांत अ-ধীন শহর কলিকাতার ও অন্যান্য স্থানের। ফোজদারী বিচার নিপাত্ত্য জন্য আগামি ৪ আপ্রিল বৃহস্পতিবার বেলা ১১ ঘটিকার শেষ ना इश প্রতিদিন উক্ত प्रमाश কলি-का जात हो। नहारन हा है कि ए हे त जानान ज घरत मन ১৮१२ नारनत उठी ক্রি মিনেল দেশিয়ান বদিবেক এবং এতদারা প্রচার कता याहेटहरू (य, (य नकन वाकि कान करमित विकास का जमाती निष्ति कति-বেক তাহারা উক্ত স্থানে ঐ সময়ে হাজির थाकिया भाकस्मा करत है जि मन ३৮१६ সাল তারিথ ৫ মার্চ।

> John Cowie, Sheriff.

Nuddea Rivers.

Weekly Water Report showing the least depth of water in the Bhagienttee River for the week ending Friday, the 9th March 1872.

Names of Places, &c.	Least depth of	Water.	REMARKS.
The state of the s	Ft.	In.	
On the Entrance Bar	5	()	
From			•
Thence to Jungipore, 9 miles	4	1	
From	i		
Jungipore to Berhampore, 47 miles.	3	0	Boats drawing 4 feet can pass up and down easily.
Fвом			
Berhamporo to Cutwa, 50 miles.	3	0	
FROM'			
Cutwa to Nuddea, 46 miles	4	0	
* distribution of the second s	!		

Height of water on guage at Berhampore on the 11th March 1872 above zero 4 feet 10½ inches.

T. H. WICKES, C.B.,

Exe. Engr., Nuddea (Local) Rivers Division.

BERHAMPORE, The 11th March 1872.

Insolbent Notice.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Charles On Monday, the 26th Henry Compton, an Inday of February instant, solvent. It was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 4th day of May next, and that the said Insolvent do then attend to be examined before the said Court.

Gray and Sen, Altorneys.

Chief Clerk's Office, the 26th February 1872.

In the matter of Sewchurn Ram and Dabeeloll, Insolvents.

On Saturday, the 2nd day of March instant, by an order of this Court, the said Insolvents were adjudged entitled to their personal discharge under the Act XI Vic., cap. 21, as to all persons named in their schedule as oreditors or claiming to be creditors respectively.

Carruthers and Dignam, Attorneys.

In the matter of Alfred On Saturday, the 2nd William Cave, an Inday of March instant, solvent. It was ordered that the hearing of this matter do stand adjourned until Saturday, the 6th day of April next, and that the said Insolvent do then attend to be examined before the said Court.

M. Camell, Attorney.

In the matter of Martha On Thursday, the 7th Herring, an Insolvent. I day of March, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 4th day of May next, and that the said Insolvent do then attend to be examined before the said Court.

Robertson, Orr, Harriss, and Francis, Attorneys.

In the matter of Adjodiapersaud and Bindapersaud, Insolvents. In account of the receipts and disbursements of the Official Assignee, from the 1st day of April 1869 to the 29th day of February last, was filed in the Office of the Chief Clerk, and it was ordered that Saturday, the 6th day of April next, be appointed for the further hearing of this matter for the purpose of making a dividend.

who may intend to establish or oppose any claim upon the estate of the said Insulvent, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing."

A. B. Miller, Official Assignes.

In the matter of Parke On Saturday, the 2nd Pittar, an Insolvent. I day of March instant, an account of the receipts and disbursements of the Official Assignee, from the 22nd day of November 1871 to the 29th day of February last, was filed in the Office of the Chief Clerk, and it was ordered that Saturday, the 6th day of April

next, be appointed for the further hearing of this matter for the purpose of making a dividend.

"Any creditor or other person interested, who may intend to establish or oppose any claim upon the estate of the said Insolvent, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing."

A. B. Miller, Official Assignee.

In the matter of William Frederick Fergusson and others, Insolvents.

The Official Assignee, from the first day of July 1855 to the 29th day of February last, was filed in the Office of the Chief Clerk, and it was ordered that Saturday, the 6th day of April next, be appointed for the further hearing of this matter for the purpose of making a dividend.

"Any creditor or other person interested, who may intend to establish or oppose any claim upon the estate of the said Insolvent, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing."

A. B. Miller, Official Assignee.

In the matter of Chundernauth Shaw, and day of March instant, Nundohurry Shaw, Insolvents.

On Saturday, the 2nd day of March instant, an account of the resolvents.

of the Official Assignee, from the 15th day of May 1871 to the 29th day of February last, was filed in the Office of the Chief Clerk, and it was ordered that Saturday, the 6th day of April next, be appointed for the further hearing of this matter for the purpose of making a dividend.

"Any creditor or other person interested, who may intend to establish or opnose any claim upon the estate of the said Insolvent, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing."

A. B. Miller, Official Assignee.

In the matter of Thomas On Saturday, the 2nd Gaynor, an Insolvent. I day of March instant, it was ordered that the Assignee do pay and divide the sum of Rs. 1,260-10 to and amongst all the creditors upon the estate of the said Insolvent as a dividend at the rate of Rs. 25 per cent upon such of the debts admitted in the schedule of the said Insolvent and claims proved as have been duly substantiated in proportion to their several debts and upon the other debts admitted in the schedule, when and so soon as such debts or any of them shall be duly substantiated upon affidavit filled in this Court from time to time for directions respecting any debts or any other matter or thing relating thereto.

A. B. Miller, Official Assignee.

In the matter of George Richmond Ferris, and day of March instant, Insolvent.

Assignee do pay and divide the sum of Rs. 1,359-9 to and amongst all the creditors upon the estate of the said Insolvent as a dividend at the rate of annas four per cent upon such of the debts admitted in the schedule of the said Insolvent and claims proved as have been duly substantiated in

proportion to their several debts and upon the other debts admitted in the schedule, when and so soon as such debts or any of them shall be duly substantiated upon affidavit filed in this Court from time to time for directions respecting any debts or any other matter or thing relating thereto.

A. B. Miller, Official Assignee.

In the In the matter of On Saturday, the 2nd Alexander Grant Glass, an Insolvent. On Saturday, the 2nd day of March instant, it was ordered that the an Insolvent. Assignee do pay and divide the sum of Rs. 1,864-0-10 to and amongst all the creditors upon the estate of the said Insolvent as a dividend at the rate of Rs. 2 per cent. upon such of the debts admitted in the schedule of the said Insolvent, and claims proved as have been duly substantiated in proportion to their several debts and upon the other debts admitted in the schedule, when and so soon as such debts or any of them shall be duly substantiated upon affidavit filed in this Court from time to time for directions respecting any debts or any other matter or thing relating thereto.

A. B. Miller, Official Assignee.

In the matter of William Richard Ford, an law of March instant, Insolvent.

Assignee do pay and divide the sum of Rs. 1,320-8-7 to and amongst all the creditors upon the estate of the said Insolvent as a dividend at the rate of Rs. 2-12 per cent. upon such of the debts admitted in the schedule of the said Insolvent, and claims proved as have been duly substantiated in proportion to their several debts and upon the other debts admitted in the schedule, when and so soon as such debts or any of them shall be duly substantiated upon affidavit filed in this Court from time to time for directions respecting any debts or any other matter or thing relating thereto.

A. B. Miller, Official Assignee.

In the matter of Nilrut-lay of March instant, vent.

Assignee do pay and divide the sum of Rs. 1,037-10-10 to and amongst all the creditors upon the estate of the said Insolvent as a dividend at the rate of Rs. 1-8 per cent. upon such of the debts admitted in the schedule of the said Insolvent, and claims proved as have been duly substantiated in proportion to their several debts and upon the other debts admitted in the schedule, when and so soon as such debts or any of them shall be duly substantiated upon affidavit filed in this Court from time to time for directions respecting any debts or any other matter or thing relating therete.

A. B. Miller, Official Assignee.

In the matter of Muddoo Soodun Auddy, and day of March instant, Insolvent.

Assignee do pay and divide the sum of Rs. 1,835-12-5 to and amondst all the creditors upon the estate of the said I solvent as a dividend at the rate of Rs. 4 per cent, upon such of the debts admitted in the schedule of the said Insolvent, and claims proved as have been duly substantiated in

proportion to their several debts and upon the other debts admitted in the schedule, when and so soon as such debts or any of them shall be duly substantiated upon affidavit filed in this Court from time to time for directions respecting any debts or any other matter or thing relating thereto.

A. B. Miller, Official Assignes.

In the matter of Johann Anton Hoffman, an Insolvent. It was ordered that the Assignee do pay and divide the sum of Rs. 2,816-10-8 to and amongst all the creditors upon the estate of the said Insolvent as a dividend at the rate of annas fifteen per cent. upon such of the debts admitted in the schedule of the said Insolvent, and claims proved as have been duly substantiated in proportion to their several debts and upon the other debts admitted in the schedule, when and so soon as such debts or any of them shall be duly substantiated upon affidavit filed in this Court from time to time for directions respecting any debts or any other matter or thing relating thereto.

A. B. Miller, Official Assignee.

In the matter of Golaum Hossain Virjee, an Insolvent. On Saturday, the 2nd day of March instant, solvent. It was ordered that the Assignee do pay and divide the sum of Rs. 4,499-10-5 to and amongst all the creditors upon the estate of the said Insolvent as a dividend at the rate of annas fourteen per cent. upon such of the debts admitted in the schedule of the said Insolvent, and claims proved as have been duly substantiated in proportion to their several debts and upon the other debts admitted in the schedule, when and so soon as such debts or any of them shall be duly substantiated upon affidavit filed in this Court from time to time for directions respecting any debts or any other matter or thing relating thereto.

A. B. Miller, Official Assignee.

In the matter of Edward On Saturday, the 2nd Pittis, an Insolvent. I day of March instant, it was ordered that the Assignee do pay and divide the sum of Rs. 1,684-15 to and amongst all the creditors upon the estate of the said Insolvent as a dividend at the rate of Rs. 4 per cent. upon such of the debts admitted in the schedule of the said Insolvent, and claims proved as have been duly substantiated in proportion to their several debts and upon the other debts admitted in the schedule, when and so soon as such debts or any of them shall be duly substantiated upon affidavit filed in this Court from time to time for directious respecting any debts or any other matter or thing pelating thereto.

A. B. Miller, Official Assignee.

In the matter of Henry Don Saturday, the 2nd Edward Braddon, an day of March instant, it Insolvent.

Assignee do pay and divide the sum of Rs. 1,375-5-4 to and amongst all the creditors upon the estate of the said Insolvent as a dividend at the rate of

annas twelve per cent. upon such of the debta admitted in the schedule of the said Insolvent, and claims proved as have been duly substantiated in proportion to their several debts and upon the other debts admitted in the schedule, when and so soon as such debts or any of them shall be duly substantiated upon affidavit filed in this Court from time to time for directions respecting any debts or any other matter or thing relating thereto.

A. B. Miller, Official Assignee.

In the matter of Mau-On Saturday, the 2nd dub Chunder Rooder, day of March instant, it Woomes Chunder Mitwas ordered that the ter, and Beer Chunder | Assignee do pay and Mitter, Insolvents. divide the sum of Rs. 15,731 to and amongst all the creditors upon the estate of the said Insolvents as a dividend at the rate of Rs. 5-8 per cent upon such of the debts admitted in the schedule of the said Insolvents, and claims proved as have been duly substantiated in proportion to their several debts and upon the other debts admitted in the schedule, when and so soon as such debts or any of them shall be duly substantiated upon affidavit filed in this Court from time to time for directions respecting any debts or any other matter or thing relating

A. B. Miller, Official Assignee. Chief Clerk's Office, the 12th March 1872.

Postal Notice.

SEA AND OVERLAND MAILS.

For	cle	Box ses at	Da	ite.	Per Steamer
Madras and Ceylon France, Foreign Europe vid France, the intermediate Ports, Mauritius, and	7				Meinam.
China. The Straits and Hong-Kong. Akyab, Rangoon, and			15th	,,	Hindoostan and Glen- artney. Burmah.
Moulmein. Gopaulpore, Bimlipatam. Vizagapatam, Coconada.			13th		Asia.
Madras, Pondicherry, Negapatam, Galle, Colombo, Tuticorin, Cochin, Beypore, Cali- cut, Tellecherry, Canna- nore, Mangalore, Carwar, and Bombay.					

The next Overland Mail vid Bombay will close on Friday, the 15th March 1872.

- Book Post and Pattern Packets must be posted on
- 3. Letters, &c., for Mauritius, St. Denis, and Ré-union, can be sent by this opportunity.
- N.B.—The letter box will close at 7 PM. precisely, after which bour Overland letters fully prepaid and bearing extra postage stamp of two annas on each cover will be received up to 7-30 P.M., or bearing an extra postage stamp of four annas on each cover up to 8 P.M., and after 8 up to 9 P.M., by a Post Office Clerk at the Rest Indian Italiway Station, Armonian Ghât.

W. H. McGOWAN,

CALCUTTA. The 12th March 1872.

Post-Master.

Remaining and Unclaimed Letters accumulated in the Calcutta Post Office on the 9th March 1872,

Alderman, G. R. Abram Thundolhagan. Archer, A. O. Andrews, J. Blain, W. Barter, J. H.
Boase, J.
Boileau, T.
Bernard, Captain. Bernard, Captain.
Bridgnell, Mrs.
Bartlett, Mrs. S.
Brodie, M.
Beverley, G. W.
Curtis, A.
Conolly, Lieut. A.
Canian, J.
Cunningham, F. R. Cunningham, F. E. Castello, A. J. Courtney, Dr. D'Silva, G. Dickenson, J. C. Dunne, Mrs. Drageon, Mrs. L. D'Souza, E. L. Dumas, S. Dawson, G. F. Darwood, J. D'Silva, G. Findon, Mrs. C. Fanshawe, A. N. Fleury & Co. Fisher, Mrs. F. Frazer, Mrs. E. Grant, J. W. Garnett, Capt. A. P. Gore, Capt. F. A. Geraldine. Graham, C. Green, Mrs. L. Godino, J. Heron, D. Harriss, J.
Hill, A. D.
Hunt, G.
Hinde, H. M.
Jonkins, Lieut.-Col. J. H. Jebson & Co. Jackson, H. B. Joseph, Mr. Joseph, Mrs. R.

Killery, Mrs. King, Mrs. J. F. Lee, J. P. Leggatt, Mrs. A. T. Millar, J. B. Millar, J. B.
Murray, K.
Maraelli, Capt.
Mainwarning, Col. G.
McKoy, T. P.
McYaries, Miss L.
Malone, T.
McPhaie, J. W.
McIntyre, J.
Mass, T.
Murray, J. A. P.
Martin, Mr. A.
North, Mrs. J.
Nesbitt, Mrs.
Nicholls, Col. J. E. T. Nicholls. Col. J. E. T.
O'Conner, C. J.
O'Connell, Col. P.
Parker, V. C. E.
Packe, Mrs. C. F. Parker, V. (Packe, Mrs. Riechurn Mullick. Reid, R. L. Redford, Mrs. Randall, Lieut.-Col. W. L. Radford, Mrs. Sheringham, Lieut. Small, J. Schlachter, J.
Shead, J.
Smith, A. E.
Smith, J.
Tonkin, Lient. W. P.
The Landlord, 1, CreekRow.
Thomson, R.
Tyrreil, Armour Sergt. T.
Turner, P.
Thomas, T. W.
Watkins, Mrs. E.
Watkins, J. H.
Williamson, Mrs. J. Schlachter, J. Williamson, Mrs. J. Williamson, Mrs. J.
Wright, S.
Wells, Miss.
Watson, J. E.
Woodroffe, G. & Co.
Winser, Dr.
Wood, Esq.
White, R.
Young, Miss E.

W. H. McGOWAN, Post-master of Calcutta.

Miscellaneous Advertisements.

Notice.

PHULTA Ghat Ferry Collections for the year beginning 1st April 1872, and ending 31st March 1573, to be sold by auction at Geyrettee Inspection House on the 25th March at 10 A.M.

Rs. 100 earnest money to be deposited by all bidders, and Rs. 1,000 by the purchaser, and the remainder to be paid in equal monthly instalments.

G. RAYNER, Exe. Engr., 1st Divn., G. T. R.

BURDWAN, The 11th March 1872.

Department of Public Works.

Notice is hereby given that the right of collecting the authorized tolls on the Buxee and Gyeghattee Navigation Channels, for the year ending the 31st March 1873, will be sold by public auction at the Office of the Executive Engineer, 24-Pergurnahs Division, Writers' Buildings, Calcutta, on Thursday, the 21st March 1872, at 11 A.M.

Each intending bidder will be required to deposit before the sale commences the sum of Rs. 100, which will be returned to him in the event of his bid not being accepted; the deposit of the highest bidder will be returned on the receipt of security equal to the amount of one-

fourth of his bid.

This cancels the previous notice advertising the sale to take place on the 25th instant at Ranee-gunge.

For further particulars, apply to the undersigned.

A. J. Hughes, c.e., Executive Engineer, Selye Division, Raneegunge.

বিজ্ঞাপন।

সর্বসাধারণকে আত করা যাইতেছে যে, সন ছালের ২১ নার্চ ভারিথে রহস্পতিবার বেলা ১১ ঘন্টার সমর নোকাম কলিকাভার রাইউর্স বিলভিং নামক বাটিভে ২৪ পরগদার ভিবিজ্ঞনের একজিকিউটিব ইঞ্জিরের সাহেবের আপিসে রূপনারারণ ও দামোদর মদের মধ্যবর্জী বাকসী ও গাইঘাটী নামক খাল সদ ১৮৭২ সালের ১লা আভেলে অবধি সম ১৮৭০ সালের ৩১ নার্চ পর্বাস্ত এক বৎসরের দিমিন্ত মান্তল আদারের ইজারা প্রশাস্য মীলাবে বিলি করা যাইবে।

পুত্রেক নীলাম ডাকনিরা ব্যক্তিকে নীলাম আরস্তের পূর্বে ১০০১ শত টাকা আমানত তরিতে হইবে এবং বাহাদিশের ডাক অপ্রাহ্য হইবে, ডাহাদিশের আমান দতি টাকা কেরড দেওরা বাইবে এবং উচ্চ পণের নীলাম ডাকনীরা ব্যক্তির আমানতি টাকা ইভারার ভাকের দিকি পরিমাণে আমিনী টাকা আদার দিলে কেরড দেওরা ঘাইবে।

এই সুচীল ছারার পুর্বেলিধিত রাণীগঞ্জ মোকামে নীলাম করা রুল হইল।

উপরক্ত বিবরের জন্যান্য সংবাদ নিম্নশান্তরিত সাহেবের স্থাপে প্রাপ্ত হাবে।

> এ. জে, হিউজ, নি, ই, একজিকিউটির ইঞ্জিমিয়ার নিলাই ভিবিজান, রাণীগঞ্জ।

Notice.

COPIES of Act VII of 1871, the Indian Emigration Act, in Urdoo and Hindee, can be obtained on application at the Bengal Secretariat at 8 annas per copy.

Notice

Is hereby given that the lease of the undermentioned lime quarries, situated in the Khast and Jynteah Hills, for three years, commencing from the 1st April 1872 and ending with the 31st March 1875 A.D., will be put up to public auction on the 30th March 1872, at 12 A.M., at the Deputy Commissioner's Office at Shillong, at the upset price mentioned opposite the mehals. The rent payable half-yearly in advance. Further particulars regarding lime quarries can be obtained by application to the undersigned:—

No.	Name of quar	ries.	Where situate	Upset pr	ice.	
					Ro. A	LE,
1	Patharea Cherra	864	Bhawul in Khasi	Hille	6,015	0
2	Romsemdemreski	***	Maharam in ditt	D ob.	795	0
8	Nokorea Cherra	444	Malaichamok in	ditto	600	0
4	Oolhmee Cherra	9+1	Jyntech Hills	801	5,000	0
5	Leemussoochu	594	Ditto	***	805	0
8	Mooralee Cherra	00+	Ditto		206	0
7	Nougtholong	994	Ditto	***	1,008	0
8	Roopnath	800	Ditto	***	1,508	0
9	Choon Cherra, Cherra, and Ro		Ditto	***	14,500	0

J. B. SHADWELL,

Extra Asst. Commr., in charge.

Dy. Commr.'s Offick, Khasi and Jynteah Hills,

The 26th February 1872.

Notice.

CERTAIN effects belonging to the estate of the late Mr. E. ROSMOND, who held the post of Inspector in the Sarun Police, and who died intestate on the 24th January 1872, have been placed in the custody of this Court, and will be delivered to any person legally authorized to receive the same.

SABUN, The 24th February 1872. Judge. (1122-4)

Administrator-General's Office.

THE Estate of Henry Williams, Head Accountant in the Office of the Conservator of Forests, has come under charge of this Office.

All persons having claims upon, being indebted to, or holding property belonging to the above Estate, are requested to place themselves in immediate communication with the undersigned.

L. P. D. BROUGHTON,
4, STRAND, Administrator-General.
Calcutta, the 2nd March 1872. (1132-1)

Dulcherra Tea Company, "Limited."

THE Ordinary General Meeting of Shareholders will be held at the registered Office of the Company, No. 6, Mission Row, on Saturday, the 30th instant, at 12 o'clock noon, to receive the Directors' report, and to transact any other business which may be brought forward.

Young, GRAY & Co., Secretaries.

The 9th March 1872.

(1137-2)

To be peremptoricly sold on Saturday, the ninth day of March next, at the hour of 2 o'clock in the afternoon, by the Registrar of the High Court of Judicature at Fort William in Bengal in its Original Jurisdiction, at the Town Hall, in pursuance of the decree made by the said High Court on the third day of March last, in the suit No. 83 of one thousand eight hundred and seventy-one, wherein Eliza White is plaintiff, and Ramloll Mookerjee is defendant.

The estate and interest of the said defendant Ramioll Mookerjee as mortgagee, under and by virtue of an Indenture of mortgage, bearing date the third day of June one thousand eight hundred and sixty-seven, made between Hurrynarain Day of Cornwallis Street, in Simlah, in the Town of Calcutta, of the one part, and the said Ramloll Mookerjee of the other part, and which Indenture of mortgage was executed in order to secure the said Ramloll Mookerjee, his heirs, representatives, and assigns repayment by the said Hurrynarain Day, his heirs, representatives, and assigns of the principal sum of Rupees thirty-seven thousand on the third day of June one thousand eight hundred and sixty-eight, and interest thereon at the rate of eighteen per cent. per annum by quarterly instalments. All that piece or parcel of land containing by estimation about sixteen cottabs a little more or less, situate, lying, and being at No. 4, Callyprosaud Dutt's Street, in Sonagachee, in the Town of Calcutta, and butted and bounded as follows :-- on the north by the Government road called Callyprosaud Dutt's Street; on the south by the family dwelling-house of the late Mothoormohun Some; on the east by the dwelling-house of Surroopehunder Dutt; and on the west by the tenanted land of Nobin chunder Sirear.

Also all that piece or parcel of land held und a mourosee pottah, containing by estimation about two biggahs seven cottahs and eight chittacks, situate, lying, and being at Sulkea, in the district of Howrah, on the banks of the river Hooghly, and bounded as follows:—on the south by a Government drain and the house and premises occupied by the Howrah police section; on the west by the land of Juttedalhurry Holdar; on the north by the wall and land of Burnoo Khansamah; and on the east by the river Hooghly.

Also all that undivided one-fifth part or share, the whole being divided into five equal parts or shares of, in, and to all that dwelling-house, together with the piece of land thereunto belonging, containing by estimation about two cottahs and four chittacks, situate and being on the west side of pad numbered in Sibnarain Dass's Street, in Simlab, in the Town of Calcutta, and butted and bounded as follows:—on the south by the family dwelling-house of the late Sibnarain and Roopnarain Sircar, deceased; on the east by the tenanted house and premises of the late Gungadhur Bhuttacharjee; on the north by the family dwelling-house of Madhub Chunder Roodur; and on the west by the family dwelling-house of the late Sibnarain Sircar.

Also all that piece or parcel of tenanted land, together with the tank therein, containing by estimation about ten biggahs, and ten cottans a little more or less, situate, lying, and being at No. 710, holding No. 223, sub-division No. 13,

division No. 3, at Talpooker, Baleaghattah, in Mouzah, Soorah, in Dechee Punchannogram, in the Zillah of Twenty-four Pergumahs, and bounded on the south by the Government public road called Baleaghattah road; on the east by Talpooker lane; on the north by the house of Shaik Lall Mahomed; and on the west by the dwelling-house of the late Moonshee Hadaet Hossain.

Also at that piece or parcel of tenanted land known as Babec's Garden, containing by estimation about two cottahs, situate and being in Lower Circular Road in 24-Pergunnahs, and bounded as follows:—on the north by the Government lane and the house of Sheik Baboo Meah; on the south by the Government drain; on the east by the public road called the Circular Road and drain; and on the west by the tenanted land of the said Hurreenarain Day.

And also all that piece or parcel of land known as Babee's Baugan, containing by estimation about six cottahs, situate at Lower Circular Road, in Deehee Punchannogram, holding No. 1166, division 3, sub-division 22, and bounded on the north by the tank and land of the said Hurrynarain Day; on the south by the Government drain; on the east by the tenanted land of Bromomoye Dossee; and on the west by the house of Puddoo Meah, and the road called the Circular Road, and of and in the decree made by the said High Court in its Ordinary Original Civil Jurisdiction on the tenth day of June one thousand eight hundred and sixty-nine in the suit No. 189 of one thousand eight hundred and sixty-nine, wherein the said Ramloll Mookerjee is plaintiff, and the said Hurrynavain Day is defendant, and which suit was instituted by the said Ramloll Mookerjee for recovery of the said principal sum of Rupees thirty-seven thousand and interest then due on the said Indenture of mortgage in pursuance of the covenant for payment contained in the said judicature of mortgage, and by which decree the said Hurrynarain Day was ordered and decreed to pay to the said Ramloll Mookerjee the sum of Rupees forty-three thousand and eighty-nine two annas and eleven pie for principal and interest including (quarterly rents) at the rate of eighteen per cent. per annum from the said third day of June one thousand eight hundred and sixty-seven to the second day of June one thousand eight hundred and sixty-eight, and subsequent interest on the principal sum of Rupees thirty-seven thousand, at the rate of six per cent. per annum to the date of realization and costs on scale No. 1, with interest thereon from the date of taxation to the date of realization.

Note.—The two last mentioned properties, known as Babee's Garden, are subject to a prior mortgage, no part of the principal, interest, and costs payable under the decree has been realized.

For further particulars and the conditions of sale, apply to the Office of Messrs. Gillanders and Company, Attorneys for the plaintiff.

R. Belchambers,

Registrar.

High Court, Original Jurisdiction;
Registrar's Office,
Calcutta, the 25th February 1872. (1124-2)

(1184-1)

Statement of the Affairs of the Bank of Bengal for the Week ending 5th March 1872.

LIABILITIES.	Ra, A	As.	P.	ASSETS. Re	. An	. P
Proprietors' Capital, paid-up Reserve Fund General Treasury at Head Office General Treasury At Branches Other Denomia at Head Office and Branches Rank Post Billa, dec. Sandries	2,20,00,000 16,40,509 6,53,46,639 2,18,56,447 11,10,939 9,09,490		0 0 6 11 9 8	Government Securities 90,85,222 Loans on Government Securities at Head Office and Branches 82,00,423 Accounts of Credit on Government Securities at Head Office and Branches 1,47,57,873 Mercantile Bills discounted at Head Office and Branches 2,12,45,688 Dead Stock 11,87,973	3 14	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
				Baiances with other Banks 4,66,784 Sundries 1,54,320		
				Cash and Currency Notes at Head Office Rs. 1,60,24,464 8 9 4,77,01,474 Branches Rs. 8,16,77,910 1 0		
	10,27,63,126	9	6	10,37,63,136	9	
BANK OF BENGAL,	J. Gon			By order of the Directors, GEO. DICKSON,		

To be sold persemptorilly, pursuant to a decree of the High Court of Judicature at Fort William in Bengal, in its Ordinary Original Civil Jurisdiction, made in suit No. 66 of one thousand eight hundred and seventy-one, wherein Rajmohun Dutt is plaintiff and Hemchunder Mitter and another are defendants, dated thirteenth February one thousand eight hundred and seventy-one, by the Registrar of the said Court, in its Ordinary Original Civil Jurisdiction, at the Town Hall, on Saturday, the sixteenth day of March instant, at

the hour of two o'clock, the following property:—
1st.—All that undivided half part or share of
the defendant Hemchunder Mitter, of, and in the
rented godown No. 22, Clive Street, in the town
of Calcutta, together with twelve cottahs of land,
more or less, bounded on the north by the house
of Juttadharee Haldar; on the east by Clive
Street; on the south by the lane which runs
between Rajah Prosunno Narain Deb's godown and
this godown; and on the west by Keshublall Dey's
godown, subject to the rights of one Rajendro
Dutt, the first mortgagee of the said premises.

2nd.—All that one moiety of the defendant Hemchunder Mitter, of, and in the land No. 147, Chitpore Road, in Calcutta, containing seven cottabs, bounded as follows: on the west by the Chitpore Road; on the east by Russicklall Mitter's rented house; on the north by Rajah Rajbullub Dey's Street; and on the south by Kally Mookerjee's land.

3rd.—All that house and land No. 144-9, Chitpore Road, at Bagbazar, bounded as follows: on
the north by Russicklall Mitter's house; on the
east by Nilmoney Chuckerbutty's house; on the
south by Khellut Chunder Ghose's house; and on
the west by Muddenmohun Tagore's Rashbatty
and house of the defendant.

For further particulars, apply at the Office of Messieurs Bose and Haldar, Attorneys for the plaintiff, at No: 2, Loudon's Buildings, Hastings Street,

R. Belchenbers,
Registrar.

CALCUTTA HIGH COURT,
ORIGINAL JURISDICTION, REGISTRAR'S OFFICE,
The 7th March 1872. (1139—1)

To be peremptorilly sold, under a decree of the High Court of Judicature at Fort William in Bengal, in its Ordinary Original Civil Jurisdiction, made in the suit No. 40 of one thousand eight hundred and seventy-one, and dated the third day of April one thousand eight hundred and seventy-one, wherein Degumber Mitter, Hurrymohun Roy, and Pearymohun Roy, are plaintiffs, and Nittogopaul Chatterjee and Russickloll Chatterjee are defendants, by the Registrar of the said Court, at the Town Hall, on Saturday, the sixth day of April next, at the hour of two o'clock in the afternoon, the undermentioned property, that is to say

All that brick-built house and premises, No. 18-3, in Baheer Simlah, north of Sukeas Street, in the town of Calcutta, together with the land thereunto belonging, and on part whereof the same is erected, measuring four cottahs and nine chittacks or thereabouts, and bounded on the North by a tank, now the property of Nobinchunder Bose; on the South now by Sukeas Street; on the East now by the house of Nundoram Gope; and on the West now by the house of Kessubchunder Ghose.

For further particulars and conditions of sale, apply at the Office of Mr. Charles William Hatch, Attorney for the plaintiffs, No. 10, Old Post Office Street.

R. Belchambers, Registrer.

HIGH COURT, ORIGINAL JURISDICTION,
REGISTRAR'S OFFICE,
Calculta, the 6th March 1872. (1185-2)

Bengal Tea Company, "Limited."

THE Twenty-third Half-yearly General Meeting of Shareholders of the above Company will be held at the registered Office, No. 7, Church Lane, on Wednesday, the 20th March, at 4 p.m., to receive the report of the Directors and accounts for the half-year ending 31st December 1871, to declare a dividend, and transact such other business as may be brought forward.

A. H. BLECHYNDEN,
Secret 27.
The 11th March 1872. (11:0-2)

for payment of interest in London, under deduction of amount re-transferred to India, and outstanding in the books of the Bunk of Bengal on the 29th February 1872. STATEMENT of Government Fr

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PARTICULARS.	cent Lua	of 1894	of 1898.	of 1838.	100	1840 L9 JO 1986 KK	105			r Loan	ated 4th	lo mod	1997-991			5 years at 5 per cent.	10 years at 5 per cent.	16 years at 5 per cent	Total
	19d #8 -638[Ž	on On	Ź	8			of 1865	-9981 10	Transfe dated 3870,	Loan d	Transfer .8781		of 1856-57.	7820-0 2\$ bet	Separable Reparable Reparable June 1872, June 1882.	Repayable June 1877.	Repayable June less.	7 -91
Balance of 15th February 1873	63,100	20,374		19,83,690	39,63,500	1,48,85,900	3,880 19,83,680 80,53,500 1,48,85,800 1,30,66,200 1,30,13,100 14,500 34,25,200 8,77,000 3,40,98,600	1,30,18,100	14,6003	4,25,300	3,77,000 8	140,98,500		,02,88,800	1,02,66,600 4,06,96,700	92,81,000	83,11,000	86,50,000	13,57,11,984
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Aurunt enfaced at Madras between 16th and 20th February 1872	:	*	•	0 8 0 0	9 9 9	0000	:		:	* * * * * * * * * * * * * * * * * * * *	:	***	:	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0000	0 0 0	000		• • • • • • • • • • • • • • • • • • •
Amount enfaced at Bombay between 18th and 29th February 1872	:	*	* * * * * * * * * * * * * * * * * * * *	9 0	*	•	9 6 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9	0 0	*	***	:	:	:	:	2,15,000	0 0 0	***		8,15,000
Amount enfaced at Calculta between litth and 20th February 1879	9	0 0 0				0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	22,600	28,400	0 0 0	6,500	0	7,64,900	:	# # # # # # # # # # # # # # # # # # #	2,83,500	8 0 0 0 0 8 a 6	***************************************	12,000	11,14,900
TOTAL	63,100	\$0,374	2,880	19,83,680	39,63,500	1,48,86,900	2,880 14,83,660 39,63,600 1,48,86,900 1,21,06,800 1,30,39,500 14,500 34,39,700	1,30,39,500	14,500 3	4,30,700	3,77,000	8,77,000 2,57,63,700	:	03,58,600	1,02,58,600 4,13,85,200	22,81,000	88,11,000	36,62,000	18,70,40,434
Amant written off in the London Registers Balance on 29th February 1873	lon 63,100	90,374	1,880	089'83'680	500	1,86,000	500 1,86,000 48,600	81,600	14,500 3	4,30,700	3,77,000	67.68,700	9 0 0 0 0 8	22,74,200	22,74,300 1,51,000 79,84,400 4,12,84,900	8,31,006	88.11,000	33,11,000 39,63,000	28,97,800
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lakin,	10	130	2	2			
1,288	96	15	10	13	1	.872	366
from India	ditto	ditto	ditto	" " to 29th " " ditto ditto 13 " d			
Enfaced .	ditto	ditto	ditto	ditto			
1871-	1879	2	2	R			
Dec.	Jan.	64	Peb	2.			
30th	15th	81 st	15th	toth to			
2	2	2	2	3			
1867	1879	2	2	2			
9th June	1st Jan.	eth 1,	1st Feb.	eth "			
NorgFrom	From 1st Jan. 1	From 1	Prom	From 1		,	

Public Debt Office, Bank of Bengal, Calculia, the 4th March 1872.

GEO. DICKSON, Secretary and Treasurer.

Public Zemindari Sale.

title, and interest of Ramsewak Missir and Raghonandan Missir, deceased, and THE right, Jadoonandan Missir, Insolvents, in the following valuable zemindaries, situate in the District of Ghazipore, in the North-Western Provinces, now vested in the Official Assignee, will be put up to auction sale at Ghazipore, adjoining the Collectorate compound, at noon on Friday, the 15th day of March 1872, by the undersigned :-

Lot.	Names of Talookas.	Names of Mouzahs appertainin Talooka.	g to each	Area of Insolvents' share.	Jamma of Little.	Government Revenue pay- able for Ditto
				B. K. D.	Re. As. P.	Rs. As. P.
1	Talooka Buxoopoor, Pergunnah Ghasi-	Викоороог	***	837 10 6	930 9 0	578 8 0
9	poor. Talooka Chillar, Pergunnah Sydpoor	Chillar and Kirpalchuk Luchmanpoor and Sirkitha	***	1,099 17 11 480 18 0	2,093 9 0 1,095 6 6	1,086 9 8 688 12 3
		Total	***	1,580 15 11	3,198 15 6	1,625 5 6
a	Talooka Flingootar, Pergunnah Mahaitch	Flingootar Runpoor	***	1,685 11 5 598 13 10	4,467 6 8 1,716 13 8	2,603 18 8 1,025 15 0
		Total	***	9,184 4 15	6,184 8 6	8,629 19 8
4	Talooka Nooroodipoor, Pergunnah Khan-	Nooroodipoor	***	1,481 9 1	4,115 0 3	1,83\$ 2 &
6	Talooka Mundra, Pergunnah Shadiabad	Puttee Munsa Rae L'uttee Comrao Rae Puttee Duswant Rae Puttee Kemar Rae Mouza Dhamraon Mouza Hamzapoor	***	265 11 10 899 16 10 213 10 6 149 19 6 86 12 0 177 13 0	996 6 8 1,182 5 8 683 4 0 460 6 0 196 6 8 331 1 8	390 9 10 654 12 5 220 14 8 190 13 1 69 4 2 154 11 0
		Total	***	1,292 2 10	8,849 13 0	1,581 0 2

For conditions of sale and further particulars, apply at the Office of

BUXAR. The 16th February 1872.

PHILIP W. CARTER, Official Assignce's Agent, Buxar. (1108-4)

Estate of Obhoy Churn Sen, deceased.

Notice is hereby given that Sagore Dutt and Sham Churn Sen, both of this city, to whom, as the Executors named therein, Probate of the last Will and Testament of Obhoy Churn Sen, late of Calcutta, deceased, was, on the twenty-second day of December one thousand eight hundred and sixty-two, granted by the High Court of Judica-ture at Fort William in Bengal, in its Testamentary and Intestate jurisdiction, have, pursuant to the provisions of Section XXX of Act XXIV of 1857 of the Legislative Council of India (The Administrator-Generals' Act, 1367) by an instrument in writing under their hands, bearing date the sixth day of November one thousand eight hundred and seventy-one, transferred to the Administrator-General of Bengal all estates and interests vested in them, the said Sagore Dutt and Sham Churn Sen, by virtue of the said Probate. Dated this twenty-first day of February one thousand eight hundred and seventy-two.

ROBERTSON, ORR, HARRISM, AND FRANCIS, Solicitors and Proctors, (1114-3)Calcutta.

Just Published.

SECOND and revised Edition of the Uncovenanted Civil Service Code, containing the Leave, Acting Allowance, Pension, Travelling, and other Rules, corrected up to 29th February 1872. Price, Rs. 2 and 4 annas, inclusive of postage. Apply to Baboo Bholanauth Sen, Assistant, Bengal Accountant-General's Office, Calcutta.

(1130 - 3)

In the Court of the Judge of the District of Shahabad.

Notice. .

UNDER SECTION 250, INDIAN SUCCESSION ACT, 1865.

In the matter of the Estate of Robert Smith Coombs, Esq., deceased.

Whereas an application under the Indian Succession Act, 1865, for Probate of the Will, dated the 6th day of December 1869, of Robert Smith Coombs, Esq., deceased, late of Buxar, has been made by Charles James Coombs and Mary Ann Bock, and whereas Wednesday, the 13th March 1872, has been fixed for the hearing of this case, notice is hereby given that any person having any interest in the administration of the estate of the said deceased may, if he desire, appear in this Court on the said 13th day of March 1872, and show cause why the application of the said Charles James Coombs and Mary Ann Bock, both of Buxar, should not be granted.

> A. J. ELLIOT, Judge.

SHAHABAD DISTRICT COURT, The 16th February 1872.

(1113-3)

WASTE LAND RULES.

Being Chap. XXVI. of the Rules of the Board of Revenue

Price, 4 annas. Packing and postage charges, 8 annas extra.

Calcutta: Office of Supdt. of Government Printing, No. 8, Hastings Street.

To be sold persunter, pursuant to a decree of the High Court of Judicature at Fort William in Bengal, in its Ordinary Original Civil Jurisdiction, made in suit No. 639 of one thousand eight hundred and seventy, wherein Foolchund Johurry is plaintiff, and Nundolall Mitter is defendant, dated the twentieth day of March one thousand eight hundred and seventy-one, by the Registrar of the said Court, at the Town Hall, on Saturday, the thirteenth day of April next, at the hour of two o'clock in the afternoon, the undermentioned

property, that is to say :-

All that undivided moiety or half part or share of and in all that lower-roomed brick-built messuage, tenement, or godown, together with a piece or parcel of land thereunto belonging, and on part whereof the same is erected and built, containing by estimation ten cottahs and eleven chittacks, be the same a little more or less, situate, lying, and being at, and numbered 71, formerly 22, Clive Street, in the town of Calcutta, and butted and bounded in the manner following, that is to say: on the North by the land of Juttadharee Haldar, Radhanauth Haldar, and Sreemutty Biddoomookey Dossee; on the South, partly by the portion of the Postah purchased by Rajah Sitanauth Bose in trust for Nundolall Mitter and Hemchunder Mitter; on the East, by the public road called Clive Street; and on the West, by the land of Russickloll Dey.

An abstract of the title may be seen, and fur-

An abstract of the title may be seen, and further particulars may be had, at the office of Baboo Debender Chunder Dutt, attorney for the plaintiff, 8, Hare Street, on any day before the sale, and the said abstract will be produced at the

sale.

R. Belchambers, Registrar. High Court, Original Junisdiction,

Registrar's Office, Calcutta, the 9th March 1872.

(1141-2)

Soom Tea Company, "Limited."

NOTICE.

An Extraordinary General Meeting of the Shareholders of the above Company will be held at the registered office of the Company, Darjeeling, on Saturday, the 30th of March 1872, at 4 p.M., to take into consideration the proposals contained in the letter of the Manager dated 4th February 1872, circulated with the last published report.

By order of the Directors,

WM. LLOYD, Secretary.

DARJEELING, The 24th February 1872.

(1121-2)

Bishnauth Tea Company, "Limited."

We beg to give notice that the Seventeenth Halfyearly Ordinary General Meeting of Shareholders in the above Company will be held at the registered Office of the Company, No. 7, New China Razar Street, on Thursday, the 28th instant, at 4 P.M., precisely, to receive the Directors' report, pass the accounts, declare a further dividend, and transact such other business as may be necessary.

By order of the Board, Williamson, Magor & Co.,

The 12th March 1872.

Secretaries. ((1140-3)

Lost

THE following Government Promissory Notes of 31 per cent. loan:-

Nos. 490 and 491 of 1853-54, for Rs. 1,000

No. 492 of 1853-54, for Rs. 8,000.

(1117-3)

SHAMA SUNDERY,

The Indian Financial Almanack for 1872, Price 4 annas; postage 1 anna.

Selections from Unpublished Records of
Government for the years 1748 to 1767 inclusive.
Relating mainly to the social condition of Bengal
With a Map of Calcutta in 1784. By the Rev. J.
Long, Member of the Government Record Commission. Price Rs. 5; packing and postage 1 Rupce extra.

Selections from Calcutta Gazettes of the years 1816 to 1823 inclusive, showing the political and social condition of the English in India upwards of fifty years ago. By Hugh David Sandeman, C.S., Accountant-General, Bengal, and Member of the Record Commission. Volume I, 3 Rs., and Volumes II, III, IV, and V, at 5 Rs. each; packing and postage 1 Rupee extra.

The above to be had at the Office of Superintendent of Government Printing, 8, Hastings Street, Calcutta.

Just Published.

Bengal Official Army List.

Corrected up to let January 1872.

THE Official Quarterly Army List of H. M.'s Forces in Bengal, to which is added a non-official Supplement, containing the latest corrected Civil List, &c. &c. Price Rs. 5, and 8 annas extra for packing and postage.

Calcutta: Office of Supdt. of Government Printing, No. 8, Hustings Street.

Central Provinces Gazetteer.

EDITION OF 1870 in one Vol.

A LIMITED number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per vol., exclusive of postage charge. Apply to

MESSRS. THACKER, VINNING, Bombay,

MESSES. THACKER, SPINK & Co., Calcutta,

or to Supdt., Chief Commr.'s Office, Nagpur.

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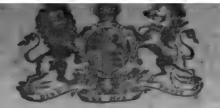
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APPENDIX TO

The Calcutta Gazette.

WEDNESDAY, MARCH 13, 1872.

ADVERTISEMENTS OF SALE.

NOTICE is hereby given that the undermentioned plot of land no longer required by the Government situated in the district of Shahabad, will be put up to sale, at the Shahabad Collectorate, on Monday, the 29th April 1872, corresponding with 6th Baisakh 1279 F.S.

2. The purchasers of this plot will be subject to the following conditions:-

1st .- If the amount of purchase money do not exceed Rs. 100, the whole amount to be paid down at once.

2nd.—If the amount of purchase money exceed Rs. 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the estate to be again put up for sale at the risk of the defaulting purchaser after issue of advertisement, as in the case of original sale.

3rd .- The plot will be sold revenue-free to the highest bidder above the upset price.

Number in State- ment of Govern- ment Estate.	Number on the District Roll.	Name of Estate and Pergunnah.	Approximate area in acres.	Upset Price.
	980***	Plot of land on which the old circuit bungalow stood in the town of Arrah with trees.	A. B. P. 5 0 171	Rs. As. P.

SHAHABAD COLLECTORATE, The 3rd February 1872.

H. W. ALEXANDER, Collector.

NOTICE is hereby given that the undermentioned plots of Class C lands no longer required by the East Indian Railway Company, situated in the district of Shahabad, will be put up to sale, at the Shahabad Collectorate, on Monday, the 29th of April 1872, corresponding with 6th Baisakh

The purchasers of these plots will be subject to the following conditions:—
1st.—If the amount of purchase money do not exceed Rs. 100, the whole amount to be paid

2nd,—It the amount of purchase money exceed Rs. 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding office day, the sale to be cancelled, the sum deposited being forfested to Government, and the estate to be again put up for sale, at the risk of the defaulting purchaser, after issue of advertisement, as in the case of original sale.

3rd.—The plots will be sold revenue-free to the highest bidders above the upset price

umber in State- ment of Govern- ment Estates.	Number on the District Roll.	Names of Estates	and Pergunnahs.		Are	a in	acr	es.	Upset !	Pric	ю.
						A.	R.	P.	Rs.	As.	P.
*****	6,,,,,	Koelwor, Pergunnah Dhundhian, ditto	Baruhgawan		٠	47	2	0 38	760 564	0	0
*****	890 890 *******	Humidpore, ditto	Arrah	***		1	()	15	18 51	0	0
4 * 7 * 8 #	60000	Domraon, ditto	Bhojepore Total		b	87	0	3	91	0	J

SHAHABAD COLLECTORATE, The 3rd February 1372.

H. W. ALEXANDER, Collector.

NOTICE is hereby given that the undermentioned plot of Class C lands no longer required by the Bast Indian Railway Company, situated in the District of Monghyr, will be put up to sale, at the Monghyr Collectorate, on Saturday, the 12th of April 1872, corresponding with 18th Cheyt 1279 F.S.

2. The purchaser of this plot will be subject to the following conditions:—

1st.-If the amount of purchase money do not exceed Rs. 100, the whole amount to be paid down at once.

2nd.—If the amount of purchase money exceed Rs. 100, one-fourth of the amount bid to be immediately deposited. If the halance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the estate to be again put up for sale, at the risk of the defaulting purchaser, after issue of advertisement, as in the case of original sale.

3rd.—The plot will be sold revenue free to the highest bidder above the upset price.

State.	the coll.			Gove	ENMENT RE	VENUE.	
Number in Sment of Go ment Esta	Number of District B	Name of Estate and Pergunnah.	Approximate area in acres.	Rovenue assessed.	Road cess.	Total.	Upset Price.
1	4444	Arazee Class C lands in Mouzah Singpore, Pergunnah Dhurhura, relinquished by the Railway Company.	1 1 28	Rs. As. P.	Rs. As. P.	Rs. As P.	Rs. As. P. 46 0 0

COLLE'S OFFICE, DISTRICT MONGHYR, The 7th February 1572.

G. N. BABLOW, Collector.



APPENDIX (No. II.) TO

The Calcutta Gazette.

WEDNESDAY, MARCH 13, 1872.

LAND SALE NOTICES.

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estates in the district of Nuddea will be put up to public and unreserved sale, at the Collector's Office of that district, on the 27th day of March 1872, corresponding with 15th Chyet 1278 B.S., for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

No. 1-0.—Pergunnah Alumpur; recorded proprietors, Issur Chundra Pal Chowdhry and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs. 50,287-13-7, and Police Rs. 568-14-7. This mehal will be sold for recovery of Rs. 23,748-5-8, on account of arrears of Government revenue.

No. 17-0.—Dehi Alpha; recorded proprietors, Santaram Roy and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs. 4,046-2-21, and Police Rs. 44-14-8. This mehal will be sold for recovery of Rs. 92-1-51, on account of arrears of Government revenue.

No. 22.—Pergunnah Belgong; recorded proprietors, Kader Nath Ghose and others; sudder jumma, Rs. 6,054-3-8, and Police Rs. 78-11-11. This mehal will be sold for recovery of Rs. 832-10-6, on account of arrears of Government revenue.

No. 62-0.—Dehi Buxipore; recorded proprietors, Hurrimohun Mukhupadhya and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs. 5,276-6-11. This mehal will be sold for recovery of Rs. 653-15-10, on account of arrears of Government revenue.

No. 240-0.—Dehi Huri Sankura; recorded proprietors, Mohamaya Chowdhurani and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs. 1,935-3-7. This mehal will be sold for recovery of Rs. 48-6-10 on account of arrears of Government revenue.

No. 304-0.—Turuf Khoirhuda; recorded proprietors, Nobokisto Chowdhury and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs. 539-10-54. This mehal will be sold for recovery of Rs. 9-12-54, on account of arrears of Government revenue.

No. 371-0.—Dehi Nakasipara; recorded proprietors, Santiram Roy and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs. 3,829-3, and Police Rs. 41-15-9. This mehal will be sold for recovery of Rs. 695-8-6, on account of arrears of Government revenue.

No. 2179.—Chur Samnagur; recorded proprietor, Mr. J. B. Mackintosh; sudder jumma Rs. 523-9-8, and road fund Rs. 5-3-10. This mehal will be sold for recovery of Rs. 27-2-10, on account of arrears of Government revenue.

No. 3227.—Dehi Pukuria; recorded proprietors, Nobokishen Chowdhry and others; sudder jumma, Rs. 799-13-4. This mehal will be sold for recovery of Rs. 26-0-10, on account of arrears of Government revenue.

No. 3231.—Dehi Shasta; recorded proprietors, Jehan Nessa Bibi and others; sudder jumma, Rs. 558-3-10. This mehal will be sold for recovery of Rs. 7-12-6, on account of arrears of Government revenue.

Nundea Collector's Office, The 23rd February 1872.

C. STEVENS, Offg. Collector.

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estates in the district of East Burdwan will be put up to public and unreserved sale, at the Collector's Office of that district, on the 27th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

Number in the Rent Roll.	Class.	Mames of Mehals and Pergunnahs.	Proprietors.	Government Revenue.	Remarks.
				Rs. As. P.	
30	1st Class, perma- nently-settled.	Bhedia, 6 annas share; Pergunnah Monohurshahi.	Hirra Lall Baboo, Doorga- naran Banerjea, Kho- desa Bibi hereelf, and as guardian of minor Abdool Odood, Kedar Nath Mocherjea, and Brojo Mohun Ghose,	2,676 6 6	Out of the total amount of Government revenue separate accounts have been opened for Rs. 143-9-1, on account of Brojo Mohun Ghose, and for Rs. 307-6-11 in favor of Kedar Nauth Mookerjee; no arrears have occurred on their portions
					of the sudder jumms. The estate is to be sold for arrears of Government revenue only.
62	Ditto	Pulshoms, Pergunnah Shomurahahi.	Umbices Churn Chundro, Kassi Nath Chundro, Lokenath Chundro, Rukkini Bulluv Chundro, And Hurro Mohun Chundro.	7,400 11 11	The entire estate to be sold for arrears of Government revenue only, which be- came due on the 12th day of January 1872.
		Chakran lands appertaining to the above mehal bearing Touji No. 16.	Ditto	44 8 2	é
78	Ditto	Nizampore and others, Pergunnah Shomershahi.	Issur Radhamadan Mo- hun Jea Sewal Gopikris- to Bose, and Poornoo Chundro Banerjea.	1,168 8 10	Ditto.
158	Ditto	Shoomuddoogoree, Pergunnah Shat- soika.	Rohimuznessa Bibi and Kylas Chundro Dey Chowdhery.	2,710 8 11	Ditto.
174	Ditto	Gowarrah, Pergun- nah Mamdanipore.	Kristodeb Bhattacherjea	727 14 7	Ditto.
5537	Ditto ·	Bahadoorpore, Pergunnah Chowmoo- hah	Ram Gobindo Roy	808 0 10	Ditto.

R. Porce,

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned estate, in the district of Monghyr, will be put up to public and unreserved sale, at the Collector's Office of that district, on the 28th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872:—

Temporarily-settled Estate.

Mehal Bhowaneedpore oorf Ramdeoree, Pergunnah Mulkee, Towjee No. 1406; sudder jumma Rs. 20,967. The maliks and lessees are Nirput Singh, Dhowl Singh, Kooldeep Singh, Ram Sahoy Singh, Bhekhee Singh, Khooder Singh, and others. The estate is to be sold, with the exception of the shares of Bhekee Singh and others, and Khooder Singh, aggregating 4 annas 15 gundas 2 cowrees, for which separate accounts have been opened under Act XI. of 1859 for Rs. 6,486-2, being arrears of land revenue due from the estate up to the 12th January 1872.

MONGHYR, The 26th February 1872. T. GRANT, Dy. Collector in charge, for Collector.

اشتهار نيالم بابت يقية مالكذاري صركار

واضع هو كه حسب هافعه ١٠ ايكت ١١ صله ١٨٥٩ ع ك يهه صحالات مرقومة الذيل ضلع مونكر مين بابت بقية مالگذاري سرکار و ديگر دموي جو از روے دستورات و قوانين مجاريه صوافق ناقي مالگذاري سرکار کے بقارين ١٢ چنورے سنه ١٨٧٢ ع واجب الوصول هي بووز پنچشنبه ٢٨ مارچ سنه ١٨٧٢ ع کچېري مين صاحب کلکٽر اس ضلع کے بلا مدر عام نہلام میں رکہا جایگا ہ

نيبر ١٥٠٦ توزيع ــ بهواننديور عرف رام ديوري پركنه ملك بندوستے معدي جسكا صدر جمع مبلغ ٢٠٩٩٠ و جسك خاند مالكذار مين نام نريت سنلهه و دهول سنلهه و كلديب سنلهه و رام سها عد سالمه و به منابه و كبودر سنگهه و فيره مالكان بندوبست اران مندرج عن باسلسات موازي ۱۰ انه م كادّه ك حصه به سنامه و موازي ۲ الله ۲ كوزي حصه لهودر سالهه جمله ۱۵ الله م گذره ۲ كوزي باتي خصه م انه ١١ گادي ١٨ كوري نريت سنگهه دهول سنگهه و غيره اجمال بعلت مبلغ ١- ١٩٥٨ باق صالكة اربى صركار نهالم هوكا فقط .

يي: گوانڪ لايونى كلكتر إن چارج

عريو فقاريم والم فبروري ١٨٧١ ع

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estates in the district of Jessore will be put up to public and unreserved sale, at the Collector's Office of that district, on Friday, the 15th March 1872, corresponding with 3rd Choitro 1278 B.S., for arrears of revenue and other demands, which, by the regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th January 1872.

Class I .- Permanently-settled Estate.

No. 19.—Mouzah Borumarrah Pergunuah Escuppore, Talook Joy Chunder, Radha Churn Chunder Kant Ghose, Issur Chunder Roy, and Jogut Chunder Chowdhury; Sudder Jumme, Rs. 998-3-10; to be sold for recovery of Rs. 98-14-9 on account of Government revenue.

No. 261.—Taraf Sagerneah, Pergunuah Mahomedshye, Talook Raznaryun, Premnaryun Parry,

Lukhimoney, Drabomoi, Second Drabomoi, and Joytara Debya; Sudder Jumma, Re. 1,596-8-9; to be sold for recovery of Rs. 87-2 on account of Government revenue.

No. 4575. — Pergunnah Bhatlah, Talook Rajah Buroda Kant Roy, Bahadoor; Sudder Jumma, Rs. 5,087-1-7-3; to be sold for recovery of Rs. 38-14-1 on account of Government revenue.

JESSORE COLLECTOBATE,

J. MONEO, Offg. Collector.

The 2nd February 1872.

NOTICE is hereby given, under Section 6, Act XI of 1859, that the undermentioned Estates in the district of Sarun will be put up to public and unreserved sale, at the Collector's Office of that district, on the 15th day of March 1872, corresponding with the 20th Phalgoon 1279 F S., for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

Class I - Permanently-settled Estate, to be sold for arrears of Government revenue.

Towjee No. 501.—The rights and interests of Baijoo Sing, in mehal Sendooar, pergunnah Baul; recorded proprietors are Baijoo Sing, Chuttur Sing, &c. The sudder jumma of the entire Estate is Rs. 693-5-4

The shares of the undermentioned persons will be exempted from sale owing to the separation of their account and payment of Government revenue. :-

10kts. of Rughoonundun Sing and others, bearing jumma of Rs. 461-13-6.

To be sold for arrears of Government revenue.

Towjee No. 2459.—The rights and interests of Achul Opudhia, Mahurbun Sing, Ramsuhoy Sing, Thacoor Sing, Rughoonath Sing, Kullian Sing, Ramsuhoy Roy, Ramssur Roy, Jutteedharee Lal, Rusul Roy, Trashee Pershad Sing, Goorpershad Sing, and Doobree Opudhia, in Mehal Dhurum Raj Pergunnah Gooh; recorded proprietors, Achul Opudhia and others. The sudder jumma of the entire estate is Rs. 663-7-5.

The shares of the analysis of the analys

The shares of the undermentioned persons will be exempted from sale owing to the separation of their account and the payment of Government revenue:—
7kts. of Radhayram Pershad and others, bearing jumma of Rs. 332-2.

C. B. GARRETT, Offg. Collector. SARUN COLLECTORATE, The 2nd February 1872.

اشتهار نيلام بابت بقية مالكذاري سركار

واضع هو كه عصب دفعه و المكت. ١١ سنه ١٨٥٩ ع كايه صحالات مرقومة الذيل ضلع سارس مين بابت بقية مالكذاري سركار و ديگر دعوي جو از روے دستورات قوانين مجارية موافق باقي مالكذاري سركار ك بتاريخ ١٢ جنوري سنة ١٨٧٢ م واجب الرصول هي بروز جمعه تاريع ١٥ مارچ سنة ١٨٧٢ م مطابق ٢٠ پهاکن سنة ١٢٧٩ قصلي کھھوری میں صاحب للکلواس ضلع کے بلا عذر عام نبلام میں رکھا جاویگا ہ

قسم مطالبه

نام مسال قسم اول

ببرشباري نببرتوزيع

نيبوا نيبراه

وع نجير 1609ع

مین نام بیپوسنگه و چهترسنگه وغیره کا لکها جاتا هی باستناه حصه رگهو مناف مالگذاری سرکار مین نام بیپوسنگه و چهترسنگه وغیره کا لکها جاتا هی باستناه حصه رگهو نندن سنگه و غیره بقید ده قلم تفریق رول شده بمراد اکت ۱۱ سنه ۱۸۰۹ ع جمعی مبلغ ۲۳۱-۱۳۹۹ متعلقه مسال مذکور بلساظ وصول هو جائے باقی سرکار بقید حق و مرافق اجمالی بیپوسنگهه جمعی مبلغ ۲۳۱-۷-۱۳

إيضا

صحال ده مراج پرگنه گوی که جسکا جمع صدر ۱۹۳۰، هی و جانه مالگذار مین نام اچل اوپدهیا و غیوی کا لکها جاتا هی باستثناء حصه رادی رون پرشاد و غیری بقید هفت قلم تقریق رول شدی نمبر و وایکت و استه ۱۸۹۹ ع جمعی مبلغ ۱۳۳۰٬۳۰۳ متلقه صحال مذکور بلحاظ وصول هو جان باتی سرکار بقیه حق و مرافق اجمالی اچل اوپدهیا و مهربان منگهه و رام و رام سهای مایه و تهاکر ساکهه و رگهو ناتهه سنگهه و کلیان سنگهه و رام سهای رای و رامیشر رای و جنادهاری لعل و رسال رای و کاش پرشاد سنگهه و گور پرشاد منگهه و دوربی اوپدهیا جمعی مبلغ ۱۹۰۵ بعلت باقی

ما لگذاری سرکار به تعداد مبلغ ۱۱-۹-۱ ک نیالم هوگاه

سي: بي: گيريت کلکٿر

The 30th January 1872.

قیریو فقاریخ ۲ فبروری سنه ۱۸۷۱ ع

H. ALEXANDER, Collector.

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estate in the district of Shahabad will be put up to public and unreserved sale, at the Collector's Office of that district, on the 14th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872:—

Class I.—Permanently-settled Estate.

No. 1428.—Mehal Sirbit, Pergunnah Chynepore; recorded Proprietor, Sheonondun Roy, non-applicant; Sudder Jumma of the entire Mehal, Rs. 1,059-11-9. The share of non-applicant alone shall be sold for arrears of Government revenue amounting to Rs. 7-15-5, with the exception of the shares of the undermentioned proprietors, with whom separate accounts have been opened under Section 10, Act XI. of 1859:—

	Names of villages	Names of Proprietors.		Amou	nt of	Jum	ma.	
				R.	A.	P.	K.	M.
1.	Noughura	Rookmin Bibi and others		13	13	1	8	0
2.	Kushe Chynepore	Shah Abdool Uziz and others	100	13	13	10	8	0
3.	Sirbit Khass	Mussamut Goonrani Koour and	others	221	9	7	4	0
4.	Ditto	Seoraj Sing and others		55	6	4	0	0
5.	Ditto	Shah Abdool Uziz and others	***	27	11	4	U	U
6.	Ditto	Nuki Ally Khan		27	11	2	8	0
7.	Kutra	Reoti Roy		42	10	7	12	0
8.	Sirbit and Gobindipore Lubrajai-	•						
	rampore	Nuki Ally Khan and others		113	3	2	12	0
9.	Kootmunpore	Koulesur Choubey and others		12	1	5	1	7
10.	Kota	Indea Day	- + +	112	6	4	18	0
11.	Kekurha	Ramiali and others	100	5	5	4	0	0
12.	Gobindipore Lohrajey Rampore	Mussamut Umani Kooner and	others	19	15	11	12	0
13.	Kota	Mussamut Zeb Kooner and othe	rs	112	6	4	18	0
14.	Kota	Saligram Roy		112	6	4	18	0
15.	Kootmunpore	Jhuboo Choubey	4 = 4	6	0	8	10	18

اشتهار نامه واسطع فروخت زمينداري

صنه ۱۸۵۹ سال کے قانوں ۱۱ دفعہ ۲ کے مظہوں مطابق بذریہ اسکے سب لوگونکو واقف کیا جاتا ھی کہ ضلع شاہ ۱۸۵۹ کے شامل محالات مدرجہ ذیل ضلع مذکور کی صاحب کلکٹرے افیدی میں باقی مالگذاری اور جو سب دعوی سند ۱۸۷۲ جدوری تاریخ ۱۲ میں دن جمعہ ھونے سے باقی مالگذا ی کی بطور مجریہ آئیں کے مطابق ادا عربے

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كا ضابطه هي اسكر ادامي كي واسطر سنه ١٨٧٦ ع ها، هارج تاريخ ١٥ هين نيلام عام كي الحريه، كارمين فرود
                                                         هری سنه ۱۸۷۲ مای جنوري تا ريخ ۳۰ فقط ه
                                       تفصيل قسم اول
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نمبر ١٤٢٨ ــ محال سوبيت بوگنه چين پور جسكي خانه مالكذار مين نام شيونندن راي فير سايل تفريق اول مندرج هى و مبلغ ١٠١٠-١٠٥٩ جمع صدر گوشوارد اس صمال كا هى بعلت ابقاي مبلغ ١٠٥٠- باقي مالكذاري حصة خاس غهر سايل تفريق اول بابت حصم مفصله ذيل كه جسكا جمع از روي دفعه 10 ايكت 11 سنه 1809 م ^{مل}حده ليا جانا هي

		ا مو چ ه	ليك
تعداد جبع صدر	نام صايلان تفريق اول	نام موضع ،	
پیه ۱ ۵ پائی که م)		
. A 1 17 17		نوگهوا	F
A 1 - 1P 1P	شاء عبدالعزيز و شاء لياقت حسين	قصبه چين پور	P
. 10 V 9 FF		سربت خاص	P
10 7 00	سيوراج سنگهه و فقي علي خان و غلام متي خان	ايضا المادات ا	10
10 11 17	شاء عبد العزيز و شاء لياقت حسين	ايضا	
- A T 11 TV	نق ملے خان	ايضا	9
. 17 V 1. 16 F	ريول راي	كترا	
		سربت و گوبندي پوار لوهوا جي	٨
+ IF F F 11	نق علے خان و مساق مهدی بب	رامپور	
	كوليسر چوبه جالنند چوبه و لكهند چوبه و رهيسر چوبه	قطمن پور	
	و هر گوبند چوبه و هيرا لال چوبه و بهگوبت چوبه و		
	رگهربر چوبه و بسیسر چربه و اجردها چوبه و املاکهه		
v 1 0 1 17	چوبه و گناده چوبه و گجالر چوبه		
. IA 10 9 11	جدو را ي	کوٹا ہے۔	
	رام لال و مسماة جيا كنور زوجة بسيسر سنگهة و هرجهوكهن	كهكرها	11
10 8 8	سنگهه و رام چرن سنگهه		
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NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estate in the district of Hooghly will be put up to public and unreserved sale, at the Collector's office of that district, on Thursday, the 14th March 1872, corresponding with 2nd Choitro 1278 B.S., for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th January 1872.

Class .- Permanently-settled Estate. No. 67.—Goorbarce, Pergunnah Chowmaha; recorded proprietors, Radhakanto Chowdhury, Issur Muddun Mohun Jew Thakoor's Sabaet Gopeckristo Bose, Ornopoorna Dabea, Mangobindo biswas, Kasseenauth Koar, Juggessur Ghose, Issur Chunder Ghose, and Makhonlaul Ghose; sudder jumma, Rs. 2,695-15.

Rs. As. P. 590 6 5 Deduct Mangobindo Biswas' 8 annas share of Mouzah Katgora Rs. As. P. and Kassespore, comprised in lot Goorbaree Deduct Kasscenath Kooar's share of Neej Goorbaree and Hurrirampore's land 1,475 beegahs, the revenue of which is 692 2 9 . 1,282 9 2

and for which a separate account has been opened under Act XI. of 1859.

Balance share of sudder jumma of the undermentioned parties to be sold, Radhakanto Chowdhury of Goorbarree, Pergunnah Chowmaha, Issur Muddun Mohun Jew Thakoor's Sabaet Gopeckristo Bose of Chandernagore, Pergunnah Boro, Ornoporno Dabee of Etla, Pergunnah Chowmaha, Juggessur Ghose, Issur Chunder Ghose, and Makhonlaul Ghose of Katgora, Pergunnah Chowmaha, and for Ghose, Issur Chunder Ghose, and Maknomaul Ghose of Racgord, which separate account has not been opened, Rs. 1,413-5-10.

To be sold for recovery of Rs. 217-11-9 on account of Government revenue.

W. F. Merks, Deputy Collector, in charge.



APPENDIX (No. III.) TO

The Calcutta Gazette.

WEDNESDAY, MARCH 13, 1872.

INSOLVENT ESTATES.

QUARTERLY STATEMENT MADE UP TO 818T JANUARY 1872.

						400	PIPERLI	DEAT	REPER	CHARLERLI DIALEMENT MADE UF 10 0161 JANUARI 1016.	9070	OI INCOME					
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	Probable out-turn of the dependencies.	Outstandings in course of recovery. Nothing further recoverable. Further recoveries hopeless. Ditto ditto. Unclaimed dividends in Court. A decree in the Moiussil Court.	ries hopeless. ditto.	Nothing further recoverable. Insolvent dead. Ditto ditto. Ditto. Ditto ditto.	ditto. ditto.
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	ESTATES.	Gregory, M. Gaynor, T. Hodgkinson and Co., G. F Hurry, W. C. Hickey, Bailey and Co	Hoffmann and Co. Hughesdon Brothers	Huro Sunker Ghose Huro Sunker Ghose Harowell, James Harwey, Benjamin Hoppe, William Hughes and Templer Hurdao Doss, Lutchmeenarain. Heeraloll Humoomontaram Holloway, William Holloway, William Holloway, William Holloway, William Hervey, Andrew (2nd) Hervey, Andrew (2nd) Hervey, Andrew (2nd) Hughes, J. G. Honigberger, William Hughes, J. G.	Hadjee Ahmed Solaman Heeralal (Butteeram Kissen Chund) Harvey, Androw (1st)

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	ESTATES.		Michael, J. C. (2nd)	Middleton, J. R. Muir, Thomas McGiltray, Alexander Marks, C. H.	Madhub Chunder Bysack Mugrave, William Middlecoat, J. H. P	ed Fukeerooddeen, Pr	Mowjee, Hurry Doss Meczetby, William	Rukhit Mool Chund Khettry Mitchell, W. A.	Muray, H. E	Marriott, G. W. Meer Dawood Ally Moreine, Samuel Madbub Chunder Booder Monoolall

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ditto.f. recoverable. Finally discharged. ditto. ditto. Finally discharged. ditto.	Ditto ditto. Di	course of recovery. recoverable. Insolvent dead. ditto. Ditto. Ditto.
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Neyer. J. H. Nursing Chunder Bose Nyes, John Nilmadub Mookerjee Nijrutkon Haldar (2nd) Nijkunt Sirear Nijrutkon Haldar (1st) Norton, C. P. Nemy Churn Bysack Norman Brothers	Newson, John Nobeccomar Poddar Nobinkisto Ghose Nilmoney Mookerjee Nundolali and Anuntolali Shaw Nobinkissen Law (Law & Co.) Newson, William (Cartner, Newson & Co.) Narain Sing and Co. Owen, Ailhusan and Co. Oliva, L. B. Ogle and Co., John Omachurn Bonnerjee Obboy Churn Dutt Obboy Churn Mullick, and others Obboy Churn Mullick, and others Ord, W. K.	Palmer and Co., G. Patrick, William Pittis, Edward Palmer, John

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G.	1000 0	00	501 8	498 7	900	Ditto ditto. Finally discharged.
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Solomon, Maladina	64023 6 10	40621 13 10	16942 0 1	64	of which Rs. 6278 2 2	Ditto ditto. Finally discharged
Stewart, W. M.	24989 4 9	11092 14 8	6325 15 7	7570 6	dividends. Rs. 7031 10	ditto.
Sanneram and Sreeram	9183 13 0	4365 14 6	4299 12 10	518 1	8, of which Rs. 460 10 11	Ditto ditto.
Sandeman, D.	0	000	0 16	2726 0	is for dividends.	
Sreenath Mullick	17620 11 6	11886 7 10	8126 8 2	2608 0	000000000000000000000000000000000000000	Ditto ditto. Insolvent dead.
Sheppard, W. A.	8402 0 8	2365 8 2	837 0 0	199 8 7	7, of which Rs. 98 9 7	Ditto ditto. Finally discharged.
Shib Chunder Mullick and Co	89521 2 8	56656 6 1	12253 11 1	20581 1	6, of which Rs. 6271 14 2 is for dividends.	Outstandings in course of recovery.
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A. B. MILLER,	Official designee.

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ď	H.S.		Wilton, G. E.	Watson and Carlo	Williams, Willig	Winser and Co.	Wilson, A. Wiseham, Willi	Walker, Archiba	Webb, John	Wilcox, H. C.	Wood, D.	Wood, John	Nallis, C. D.	Woomesh Chun	Young, Joseph	Zuccani, E.

In addition to the above, there are 260 estates under Rs. 220 each, aggregating Rs. 21,865-3-8, the particulars of which may be learnt at my office. The Official Assignee has received for remuneration for the last quarter, Rupees four thousand eight hundred fifty eight, twelve annas and four pie.

The 1st February 1872.

Printed and published by EDWIN Monnis LEWIS, at the Printing Office of the Bengal Secretariat. No. 28, Chawringhee, in the City of Calcutta.-March 13, 1872.



The Calcutta Gazette.

WEDNESDAY, MARCH 20, 1872.

CONTENTS.

Company Company	Page.	•	
ACTS PASSED BY THE GOVERNOR GENERAL IN COUNCIL— The Indian Evidence Act, 1873	803	Custom House Notice	Page. 987
BILLS INTRODUCED INTO THE COUNCIL OF THE GOVERNOR GENERAL Bill to provide for the Extradition of Criminals and for the trial of offeness in Native States A Bill to amend Act XXIV of 1867	829 851	Criminal Sessions Notice Calcutta Port Fund Notice Canal Statement List of Maps of the Survey of India published at the Surveyor-General's Office, Calcutta, during the month	928 928
ACT PASSED BY THE LIEUTENANT-GOVERNOR OF BRIGAL IN		Currency Notes	931
An Act to extend the borrowing powers of the Justices of the Peace for the town of Calcutta, and to provide for the repayment of municipal debt	632 833	Onnin Notification Nuddea Rivers Notice Waste Land Sale Notices MISCRLLANGOUS ADVERTISHMENTS APPENDIX No. I.—Advertisement of Sale—Plots of land No. II.—Hennel Library—Catalogue of Rocks No. III.—Bennel Library—Catalogue of Rocks	931 933 65. 935 28 43
BILLS INTEODUCED INTO THE COUNCIL OF THE LIRUTGEAUT- GOVERNOR OF BENGAL-	1	received during the quarter ending 31st December 1871	1
A Bill to amend and consolidate the law relating to Muni- cipalities A Bill to provide for the due appropriation of certain clucational and charitable endowments	837	PROCERDINGS of the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Ecgulations,	0.00
ORDERS BY THE LINUTENANT-GOVERNOR OF BENGAL-		held on the 16th March 1872 Preparations in Cutta k for receiving the late Vicercy	983 834
Revenue and General Departments Judicial and Political Departments Public Works Department, Bengal Ditto ditto, Irrugation Branch	45. 919 928 924	Statement showing Ramfall, Weather, State, and Pros- pects of the Crops in the different districts of the Lower Provinces of Bengal, for the week ending 16th Murch 1872 Weekly Report of Rainfall compiled at the Motocrological	288
HIGH COURT NOTIONS—	-	Workly Report of Rainfall compiled at the Meteorological Reporter's Office	285
Circular orders by the High Court of Judicature at Fort Wilham in Bongal	925	Meteorological Telegraphic Report for the period 10th to 1ath March 1872 Results of the Meteorological Observations taken at the	237
DEPARTMENTAL NOTICES -		Surveyor-General's Office, Calcutta, from 8th to 14th	10. 2
Officers in charge of Treasuries	ih.	March 1872 Irrigation Operations of Lower Bengal up to Sist of	238
Post Office Notices	926	Wookly Roturn of Traffic Receipts on Indian Railways	930 940
Inscivent Notices			

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March 1872, and is hereby promulgated for general information:—
ACT No. I or 1872.

THE INDIAN EVIDENCE ACT, 1872.

CONTENTS.

Preamble.

Part I.

RELEVANCY OF FACTS. CHAPTER I .- PRELIMINARY.

SECTION.

Short title. Extent.

Commencement of Act.

- Repeal of enactments.
- Interpretation-clause.
- "May presume."
 "Shall presume."
 - " Conclusive proof."

- CHAPTER II .- OF THE RELEVANCY OF FACTS. 5. Evidence may be given of facts in issue and relevant facts.
- Relevancy of facts forming part of same transaction.
- Facts which are occasion, cause, or effect of facts in issue.
- Motive, preparation and previous or subse-
- quent conduct.
 Facts necessary to explain or introduce relevant facts.

Things said or done by conspirator in reference to common design.

When facts not otherwise relevant become 11. relevant.

In suits for damages, facts tending to enable Court to determine amount, are 12. relevant.

18. Facts relevant when right or custom is in question.

Facts showing existence of state of mind, or of body or bodily feeling. Facts bearing on question whether act was accidental or intentional. 15.

Existence of course of business when rele-16.

ADMISSIONS.

17. Admissions defined.

vant.

18. Admission-

by party to proceeding or his agent; by suitor in representative character; by party interested in subject-matter; by person from whom interest derived.

Admissions by persons whose position must be proved as against party to 10.

Admissions by persons expressly referred to by party to suit.

Relevancy of admissions against or in be-20.

21. half of persons concerned.

When oral admissions as to contents of

22. documents are relevant.

Admissions in civil cases when relevant.

Confession caused by inducement, threat,
or promise irrelevant. 23. 24.

Confession made to a police officer not to 25. be used as evidence.

Confession made by areused while in cus-tody of police not to be used as evi-

SECTION.

27. So much of statement or confession made by accused as relates to fact thereby discovered, may be proved.

23. Confession made after removal of impression caused by inducement, threat, or

promise, relevant.

Admission otherwise relevant not to be-29. come irrelevant because of promise of secrecy, &c.

Consideration of proved admission affecting person making it and others jointly 30. under trial for same offence.

Admissions not conclusive proof, but may estop.

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

32. Cases in which statement of relevant fact by person who is dead or cannot be found, &c., is relevant.

When it relates to cause of death; or is made in course of business;

or against interest of maker; or gives opinion as to public right or custom or matters of general interest.

or relates to existence of relationship. or is made in will or deed of deceased

person; or relates to transaction mentioned in section 13, clause (a.)

or is made by several persons and expresses feelings relevant to matter in question.

Evidence in a former judicial proceeding 33. when relevant.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

Entries in books of account when relevant. Entry in public record, made in perform-85. ance of duty enjoined by law, when

relevant. Maps and plans when relevant.

Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.

38. Statements in law-books.

HOW MUCH OF A STATEMENT IS TO BE PROVED.

What evidence to be given when statement forms part of a-conversation, document, book, or series of letters or papers.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

Previous judgments relevant to bar a second suit or trial.

Judgments in probate, &c., jurisdiction.
Judgment, order, or decree between third
parties when irrelevant and when not. 42

43.

What judgments, &c., not relevant.
Fraud, collusion, and incompetency of 44. Court may be proved.

OPINIONS OF THIRD PERSONS WHEN RELEVANT.

Opinions of experts.

Facts bearing upon opinions of experts. 46.

47. Opinion as to hand-writing.

Opinion as to existence of right or custom 48. when relevant.

49. Opinions as to usages, tenets, &c., when relevant.

Opinion on relationship, when relevant.

Grounds of opinion, when relevant. 51.

CHARACTER WHEN RELEVANT.

In civil cases, character to prove conduct imputed, irrelevant.

SECTION.

53. In criminal cases, previous good character relevant.

Previous conviction in criminal trials rele-54. vant, but not previous bad character, except in reply.

55. Character as affecting damages.

Part II.

ON PROOF.

CHAPTER III.—FACTS WHICH NEED NOT BE PROVED.

No evidence required of fact judicially noticed.

Facts of which Court must take judicial 57. notice.

58. Facts admitted.

CHAPTER IV .-- OF ORAL EVIDENCE.

59 Proof of facts by oral evidence.

60. Oral evidence must be direct.

CHAPTER V .-- OF DOCUMENTARY EVIDENCE.

Proof of contents of documents. 61.

62. Primary evidence. 63. Secondary evidence.

64. Proof of documents by primary evidence.

65. Cases in which secondary evidence relating to documents may be given.

66. Rules as to notice to produce.

Proof of signature and hand-writing of person alleged to have signed or written document produced.

Proof of execution of document required 68.

by law to be attested.

Proof: : : to no attesting witness found.

70. Adal a of execution by party to attest-Accument.

when attesting witness denies the 71. execution.

72. Proof of document not required by law to be attested.

73. Comparison of hand-writings.

PUBLIC DOCUMENTS.

Public documents.

75. Private documents.

Certified copies of public documents.

Production of such copies. 77.

78. Proof of other official documents.

PRESUMPTIONS AS TO DOCUMENTS. Presumption as to genuineness of certified

79.

80. Presumptions on production of record of evidence.

Presumption as to Gazettes.

82. Presumption as to document admissible in England without proof of seal or signature.

83. Proof of maps made for purposes of any cause

84. Presumption as to collections of laws and reports of decisions.

85. Presumption as to powers of attorney

Presumption as to certified copies of foreign 86. judicial records.

87. Presumption as to books and maps.

Presumption as to photographs, machine copies, and telegraphic messages. 88.

Presumption as to due execution, &c., of 89. documents not produced.

90. Documents thirty years old.

CHAPTER VI .- OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

SECTION.

91. Evidence of terms of written contract.

Exclusion of evidence of oral agreement. 92. Exclusion of evidence to explain or amend 93.

ambiguous document. Exclusion of evidence against application of document to existing facts.

Evidence as to document unmeaning in 95. reference to existing facts.

Evidence as to application of language which can apply to one only of several 96. persons.

Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.

Evidence as to meaning of illegible characters, &c.

Who may give evidence of agreement vary-99. ing terms of document.

Saving of provisions of Indian Succes-

100. sion Act relating to wills.

Part HI.

PRODUCTION AND EFFECT OF EVIDENCE. CHAPTER VII.-OF THE BURDEN OF PROOF.

Burden of proof. 101.

On whom burden of proof lies. 102.

Burden of proof as to particular fact. 103.

Burden of proving fact to be proved to 104. make evidence admissible.

Burden of proving that case of accused 305. comes within exceptions.

106. Burden of proving fact especially within knowledge.

Burden of proving death of person known to have been alive within thirty years.

Burden of proving that person is alive who has not been heard of for seven years.

109. Burden of proof as to partnership, tenancy, and agency.

Burden of proof as to ownership. 110.

Proof of good faith in transactions where 111. one party is in relation of active confidence.

112. Birth during marriage, conclusive proof of legitimacy.

Proof of cession of territory. 113.

114. Court may presume existence of certain

CHAPTER VIII.—ESTOPPEL.

115. Estoppel.

116. Estoppel of tenant.

Estoppel of acceptor of bill of exchange, 117. bailee, or licensee.

CHAPTER IX .- OF WITNESSES.

118. Who may testify. Dumb witnesses.

119.

120. Married persons in civil and criminal proceedings.

121. Judges and Magistrates.

122. Communications during marriage. Evidence as to affairs of State. 123

124. Official communications.

125. Information as to commission of offences.

126. Professional communications.

127. Section 126 to apply to interpreters, &c. 128. Privilege not waived by volunteering evidence.

Confidential communication with legal advisers.

130. Production of witness' title-deeds.

131. Production of documents which another person, having possession, would be en-titled to refuse to produce.

Witness not excused from answering on ground that answer will criminate.

Accomplice.

Number of witnesses.

CHAPTER X .- OF THE EXAMINATION OF WITNESSES.

135. Order of production and examination of witne

Judge to decide as to admissibility of evidence.

137. Examination-in-chief. Cross-examination. Re-examination.

Order of examinations. Direction of re-138. examination.

139. Cross-examination of person called to produce a document.

Witnesses to character. 140.

141. Leading question.

142. When they must not be asked.

143. When they may be asked.

144. Evidence as to matters in writing.

Cross-examination as to previous state-145. ments in writing. 146.

Questions lawful in cross-examination. 147. When witness to be compelled to answer.

Court to decide when question shall be acked and when witness compelled 148. to answer.

149. Question not to be asked without reasonable grounds.

150. Procedure of Court in case of question being asked without reasonable grounds.

151. Indecent and scandalous questions. 152.

Questions intended to insult or annoy. 153. Exclusion of evidence to contradict answers to questions testing veracity.

Question by party to his own witness Impeaching credit of witness. 154.

155.

Questions tending to corroborate evidence 156. of relevant fact admissible.

157. Former statements of witness may be proved to corroborate later testimony as to same fact.

158. What matters may be proved in connection with proved statement relevant under sections 32 or 33.

Refreshing memory. 159. When witness may use copy of document

to refresh memory.

Testimony to facts stated in document mentioned in section 158. 160.

161. Right of adverse party as to writing used to refresh memory.

162. Production of documents. Translation of documents.

Giving, as evidence, of document called for 163. and produced on notice.

Giving, as evidence, of document production of which was refused on notice.

165. Judge's power to put questions or order production.

166. Power of jury or assessors to put questions.

CHAPTER XI.—OF IMPROPER ADMISSION AND RE-

167. No new trial for rejection on improper reception of evidence. SCHEDULE.

THE INDIAN EVIDENCE ACT, 1872.

WHEREAS it is expedient to consolidate, define and amend the Law of Evidence; It is hereby enacted Preamble. as follows :--

PART I.

RELEVANCY OF FACTS.

CHAPTER I. PRELIMINARY.

1. This Act may be called "The Indian Short title. Evidence Act, 1872:"

It extends to the whole of British India, and applies to all judicial proceedings in or before any
Court, including Courts Martial, but not to affidavits presented to any Court or Officer, nor to proceedings before an arbitrator;

and it shall come into force Commencement of Act. on the first day of September 1872:

2. On and from that day Repeal of enactments. the following laws shall be repealed :-

- (1.) All rules of evidence not contained in any Statute, Act or Regulation in force in any part of British India:
- (2.) All such rules, laws and regulations as have acquired the force of law under the twenty-fifth section of 'The Indian Councils' Act, 1861,' in so far as they relate to any matter herein provided for; and
- (3.) The enactments mentioned in the schedule hereto, to the extent specified in the third column of the said schedule.

But nothing herein contained shall be deemed to affect any provision of any Statute, Act or Regulation in force in any part of British India and not hereby expressly repealed.

3. In this Act the following words and expressions are used in the follow-Interpretation-clause. ing senses, unless a contrary intention appears from the context :-

"Court" includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised " Court." to take evidence.

"Fact" means and includes-

- (1) any thing, state of things, or relation of things, capable of being perceived by the senses;
- (2) any mental condition of which any person is conscious.

Illustrations.

(a.) That there are certain objects arranged in a certain order in a certain place, is a fact.

(b.) That a man heard or saw something is a fact.

(c.) That a man said certain words is a fact.

(d.) That a man holds a certain opinion, has a certain intention, acts in good faith, or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.

(e.) That a man has a certain reputation is a fact.

One fact is said to be relevant to another when the one is connected with the 'Relevant.' other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts. "Relevant."

The expression "Facts in issue" means and includes— " Pacts in issue."

any fact from which, either by itself or in connection with other facts, the existence, non-existence, nature, or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

Explanation .- Whenever, under the provisions of the law for the time being in force relating to Civil Procedure, any Court records an issue of fact, the fact to be asserted or denied in the answer to such issue, is a fact in issue.

Illustrations.

A is accused of the murder of B.

At his trial the following facts may be in issue:

That A caused B's death;

That A intended to cause B's death;

That A had received grave and sudden provocation from B;

That A, at the time of doing the act which caused B's death,
was, by reason of unsoundness of mind, incapable of was, by reason of knowing its nature.

"Document" means any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

Illustrations

A writing is a document.

Words printed, lithographed or photographed are documents. A map or plan is a document.

An inscription on a metal plate or stone is a document.

▲ caricature is a document.

"Evidence" means and . " Evidence." includes-

(1) all statements which the Court permits requires to be made before it by witnesses, in relation to matters of fact under inquiry;

such statements are called oral evidence:

(2) all documents produced for the inspection of the Court;

such documents are called documentary evidence.

A fact ic said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

A fact is said to be disproved when, after considering the matters before it, " Disproved." the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

A fact is said not to be proved it is neither proved nor dis-" Not proved." proved.

4. Whenever it is provided by this Act that the Court may presume a " May presume." fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as " Shall presume." proved, unless and until it is disproved.

When one fact is declared by this Act to be conclusive proof of another, the Court shall on proof of " Conclusive proof." the one fact regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.

CHAPTER II .- OF THE RELEVANCY OF FACTS.

5. Evidence may be given in any suit or pro-Evidence may be given ceeding of the existence or of facts in issue and relenon-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.

Explanation .- This section shall not enable any person to give evidence of a fact which he is disentitled to prove by any provision of the law for the time being in force relating to Civil Procedure.

Illustration

(a.) A is tried for the murder of B by beating him with a club with the intention of causing his death.

At A's trial the following facts are in issue-

A's besting B with the club;

A's causing B's death by such beating;

A's intention to cause B's death.

- (b.) A suitor does not bring with him, and have in readiness for production at the first hearing of the case, a bond on which he relies. This section does not enable him to produce the bond or prove its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the Code of Civil Procedure.
- 6. Facts which, though not in issue, are so con-Relevancy of facts nected with a fact in issue as forming part of same to form part of the same transaction. whether they occurred at the same time and place or at different times and places.

Illustrations.

- (c.) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the by-standers at the beating, or so shortly before or after it as to form part of the transaction, is a relevant fact.
- (b.) A is accused of waging war against the Queen by taking part in an armed insurrection in which property is destroyed, troops are attacked, and gaols are broken open. The occurrence of these facts is relevant, as forming part of the general transaction, though A may not have been present at all of *hem.
- (c.) A suca B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.
- (d.) The question is whether certain goods ordered from B were delivered to A. The goods were delivered to several intermediate persons successively. Each delivery is a rele-
- 7. Facts which are the occasion, cause, or effect, Pacts which are occa.

 ion, cause, or effect of relevant facts, or facts in facts in issue.

 or which constitute the issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction, are relevant.

Illustrations.

(a.) The question is, whether A robbed B.

The facts that, shortly before the robbery, B went to a fair with money in his possession, and that he showed it, or mentioned the fact that he had it, to third persons, are relevant.

(b.) The question is, whether A murdered B. Marks on the ground, produced by a struggle at or near the place where the murder was committed, are relevant facts.

(c.) The question is, whether A poisoned B.

The state of B's health before the symptoms ascribed to poison, and habits of B, known to A, which afforded an opportunity for the administration of poison, are relevant facts.

8. Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

The conduct of any party, or of any agent to any party, to any suit or proceeding in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto.

Explanation 1 .- The word "conduct" in this section does not include statements, unless those statements accompany and explain acts other than statements: but this explanation is not to affect the relevancy of statements under any other section of this Act.

Explanation 2 .- When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

Illustrations.

(a.) A is tried for the murder of B.

The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extert money from A by threatening to make his knowledge public, are relevant.

(b.) A sues B upon a bond for the payment of money. B denies the making of the bond.

The fact that, at the time when the bond was alleged to be made, B required money for a particular purpose, is relevant.

(c.) A is tried for the murder of B by poison.

The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant.

(d.) The question is whether a certain document is the will of A.

The facts that, not long before the date of the alleged will, A made inquiry into matters to which the provisions of the alleged will relate, that he consulted vakils in reference to making the will, and that he caused drafts of other wills to be prepared, of which he did not approve, are relevant.

(e.) A is accused of a crime.

(F) A is accused of a crime.

The facts that, either before, or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favourable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.

(f.) The question is, whether A robbed B.

The facts that, after B was robbed, C said in A's presence—
'the police are coming to look for the man who robbed B,'—and
that immediately afterwards A ran away, are relevant.

(g.) The question is, whether A owes B rupees 10,000.

The facts that A asked C to lend him money, and that D said to C in A's presence and hearing—'I advise you not to trust A, for he owes B 10,000 rapees,'—and that A went away without making any answer, are relevant facts,

(h.) The question is, whether A committed a crime.

The fact that A abaconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter, are relevant.

(i,) A is accused of a crime.

The facts that, after the commission of the alleged crime, he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are

(j.) The question is, whother A was ravished.

The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which and the terms in which the complaint was made, are relevant.

The fact that, without making a complaint, she said that she had been ravished is not relevant as conduct under this section, though it may be relevant

as a dying declaration under section thirty-two, (one), or an corroborative evidence under section one hundred and fifty-

(k.) The question is, whether A was robbed.

The fact that, soon after the slloged robbery, he made a com-plaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that he said he had been robbed without making any complaint is not relevant as conduct under this section, though it may be relevant

as a dying declaration under section thirty-two, clause (one), or as corroborative evidence under section one hundred and fiftyseven.

9. Facts necessary to explain or introduce a fact Facts necessary to in issue or relevant fact, or explain or introduce which support or rebut an interest of the control of the , ference suggested by a fact in issue or relevant fact, or which establish the identity of any thing or person whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

Illustrations.

(a.) The question is whether a given document is the will of A.

The state of A's property and of his family at the date of the slieged will may be relevant facts.

(b.) A suce B for a libel imputing disgraceful conduct to A. B affirms that the matter alleged to be libelious is true.

The position and relations of the parties at the time when he libel was published may be relevant facts as introductory

to the facts in issue.

The particulars of a dispute between A and B about a matter unconnected with the ulleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.

(c.) A is accused of a crime.

The fact that, soon after the commission of the crime, A absconded from his house, is relevant, under section eight, as conduct subsequent to and affected by facts in issue.

The fact that, at the time when he left home, he had sudden and urgent business at the place to which he went, is relevant as tending to explain the fact that he left home suddenly.

The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.

- (d.) A sucs B for inducing C to break a contract of service made by him with A. C, on leaving A's service, says to A—'I am leaving you because B has made me a better offer.' This statement is a relevant fact as explanatory of C's conduct, which is relevant as a feet in issue
- (e.) A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says, as he delivers it—'A says you are to hide this.' B's statement is relevant as explanatory of a fact which is part of the transaction.
- (f.) A is tried for a riot and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.
- 10. Where there is reasonable ground to believe

Things said or done by conspirator in refer-ence to common design.

that two or more persons have conspired together to commit an offence or an actionable wrong, any thing

said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

Illustration.

(a.) Reasonable ground exists for believing that Δ has joined in a conspiracy to wage war against the Queen.

in a conspiracy to wage war against the Queen.

The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Calcutta for a like object, D persuaded persons to join the conspiracy in Bombay, E published writings advocating the object in view at Agra, and F transmitted from Delhi to G at Cabul the money which C had collected at Calcutta, and the contents of a letter written by H giving an account of the conspiracy, are each relevant, both to prove the existence of the conspiracy, and to prove A's complicity in it, although he may have been ignorant of all of them, and although they were done were atrangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

When facts not otherwise relevant become relevant are relevant-Facts not otherwise

- (1) if they are inconsistent with any fact in issue or relevant fact;
- (2) if by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable.

Illustrations.

(a.) The question is, whother A committed a crime at Calcutta on a certain day.

The fact that on that day A was at Lahore is relevant.

The fact that near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.

(b.) The question is, whether A committed a crime.

The circumstances are such that the crime must have been committed either by A, B, C or D. Every fact which shows that the crime could have been committed by no one class and that it was not committed by either B, C or D, is relevant.

12. In suits in which damages are claimed, any In suits for damages, facts tending to enable Court to determine the amount of damages which fact which will enable the amount are relevant. ought to be awarded is rele-

- 13. Where the question is as to the existence Facts relevant when of any right or custom, ght or custom is in the following facts are relequestion. vant-
- Any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence.
- (b.) Particular instances in which the right or custom was claimed, recognized, or exercised, or in which its exercise was disputed, asserted or departed from.

Illustration.

The question is, whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcileable with the mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

14. Facts showing the existence of any state

Pacts showing existence of any state

Pacts showing existence of mind—such as intention, knowledge, good faith, negligence, rushness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling—are relevant, when

the existence of any such state of mind or body or bodily feeling, is in issue or relevant.

Explanation .- A fact relevant as showing the existence of a relevant state of mind must show that it exists, not generally, but in reference to the particular matter in question.

Illustrations.

(a.) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a parti-cular stolen article.

The fact that at the same time he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession.

(b.) A is accused of fraudulently delivering to another person a piece of counterfeit coin which, at the time when he delivered it, he know to be counterfeit.

The fact that, at the time of its delivery, A was possenumber of other pieces of counterfeit coin, is relevant.

(c) A suce B for damage done by a dog of B's, which B

The facts that the dog had previously bitten X, Y and Z, and that they had made complaints to B, are relevant.

(d.) The question is whether A, the acceptor of a bill of exchange, knew that the name of the payoe was fictitions.

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been a real person, is relevant, as showing that A knew that the payee was a fletitious person.

(e.) A is accused of defaming B by publishing an imputa-tion intended to harm the reputation of B.

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B, is relevant, as proving A's intention to harm B's reputation by the particular publication

The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.

(f.) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.

The fact that, at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him, is relevant, as showing that A made the representation in good faith.

(g.) A is sued by B for the price of work done by B, upon a house of which A is owner, by the order of C, a contractor.

A's defence is that B's contract was with C.

The fact that A paid C for the work in question is relevant, as proving that A did, in good faith, make over to C the management of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

(A.) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found.

The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

The fact that A knew, or had reason to believe, that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

- (i.) A is charged with shooting at B with intent to kill him. In order to show A's intent, the fact of A's having previously shot at B may be proved.
- (j.) A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved, as showing the intention of the letters.
- (k.) The question is, whether A has been guilty of cruelty towards B, his wife.

Expressions of their feeling towards each other shortly before or after the alleged cruelty, are relevant facts.

(1.) The question is, whether A's death was caused by

Statements made by A during his illness as to his symptoms, are relevant facts.

(m.) The question is, what was the state of A's health at the time when an assurance on his life was effected.

Statements made by A as to the state of his health at or near the time in question, are relevant facts.

(x.) A suce R for negligence in providing him with a carriage for hire not reasonably fit for use, whereby A was injured.

The fact that B's attention was drawn on other occasions to the defect of that particular carriage, is relevant.

The fact that B was habitually negligent about the carriages which he let to hire, is irrelevant.

(c.) A is tried for the murder of B by intentionally shooting him dead.

The fact that A, on other occasions, shot at B is relevant, as showing his intention to shoot B.

The fact that A was in the habit of shooting at people with intent to murder them, is irrelevant.

(p.) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime, is relevant.

The fact that he said something indicating a general dis-cition to commit crimes of that class, is irrelevant.

15. When there is a question whether an act Facts bearing on ques. was accidental or intentional, the fact that such act formaccidental or intentional. ed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant.

(a.) A is accused of burning down his house in order to obtain money for which it is insured.

The facts that A lived in several houses successively, each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental.

(b.) A is employed to receive money from the debtors of B. It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.

The question is, whether this false entry was accidental or

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favour of A, are relevant.

(c.) A is accused of fraudulently delivering to B a counterfeit rupee.

The question is, whether the delivery of the rupee was ac-

The facts that soon before or soon after the delivery to B. A delivered counterfeit rupees to C, D and E are relevant, as showing that the delivery to Δ was not accidental.

16. When there is a question whether a parti-Existence of course of cular act was done, the existbusiness when relevant. ness, according to which it naturally would have been done, is a relevant fact.

Illustrations.

(a.) The question is, whether a particular letter was despatched.

The facts that it was the ordinary course of business for all letters put in a cortain place to be carried to the post, and that that particular letter was put in that place, are relevant.

(b.) The question is, whether a particular latter reached A. The facts that it was posted in due course, and was not returned through the Dead Letter Office, are relevant.

ADMISSIONS.

- 17. An admission is a statement, oral or documentary, which suggests any inference as to any fact Admissions defined. in issue or relevant fact, and which is made by any of the persons, and under the circumstances, hereinafter mentioned.
- 18. Statements made by a party to the proceed-Admission— ing, or by an agent to any by party to proceeding such party, whom the Court or his agent; regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

Statements made by parties to suite suing or sued by suitor in representa-in a representative character are not admissions, unless tive character ; they were made while the party making them held that character.

Statements made byby party interested in (1) persons who have subject-matter; any proprietary or pecuniary interest in the subject-matter of the proceedby party interested in subject-matter; ing, and who make the statement in their character of persons so interested, or

(2) persons from whom the parties to the suit have derived their interest by person from whom interest derived. in the subject-matter of the

are admissions if they are made during the continuance of the interest of the persons making the 19. Statements made by persons whose posi-

Admissions by persons tion or liability it is necessary to prove as against any party to the suit, are admissions if such statements would be

relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

Illustration.

A undertakes to collect rents for B.

B sues A for not collecting rent due from C to B.

A denies that rent was due from C to B.

A statement by C that he owed B rent is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

20. Statements made by persons to whom a party to the suit has expressly referred to by party to suit. tion in reference to a matter in dispute are admissions.

Illustration.

The question is, whether a horse sold by A to B is sound.

A says to B—'Go and ask C, C knows all about it.' C's statement is an admission.

- 21. Admissions are relevant and may be proved Relevancy of admissions against the person who makes them, or his representative in interest; but they cannot be proved by or on behalf of the person who makes them or by his representative in interest, except in the following cases :-
- (1.) An admission may be proved by or on behalf of the person making it when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section thirty-two.
- (2.) An admission may be proved by or on behalf of the person making it when it consists of a statement of the existence of any state of mind or body, relevant or in issue, made at or about the time when such state of mind or body existed, and is accompanied by conduct rendering its falsehood improbable.
- (3.) An admission may be proved by or on behalf of the person making it if it is relevant otherwise than as an admission.

(a.) The question between A and B is, whether a certain deed is or is not forged. A affirms that it is genuine, B that it

A may prove a statement by B that the deed is genuine, and B may prove a statement by A that the deed is forged; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.

(b.) A, the Captain of a ship, is tried for casting her away. Evidence is given to show that the ship was taken out of her

A produces a book kept by him in the ordinary course of his business, showing observations alleged to have been taken by him from day to day, and indicating that the ship was not taken out of her proper course. A may prove these statements, because they would be admissible between third parties if he were dead under section thirty-two, qlausp (two).

(c.) A is accused of a crime committed by him at Calcutta. He produces a letter written by himself and dated at Lahore on that day and bearing the Lahore post-mark of that day.

The statement in the date of the letter is admissible, because, if were dead it would be admissible under section thirty-two, A were dead clause (\$7.0).

(d.) A is accused of receiving stolen goods knowing them to be stolen.

He offers to prove that he refused to sell them below their

A may prove these statements, though they are admissions, because they are explanatory of conduct influenced by facts in

(c.) A is accused of fraudulently having in his possession counterfeit coin which he knew to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin, as he doubted whether it was counterfeit or not, and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last preceding illustration.

22. Oral admissions as to the contents of a document are not relevant, When oral admissions unless and until the party proposing to prove them shows that he is entitled ments are relevant.

to give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.

23. In civil cases no admission is relevant,
Admissions in civil if it is made either upon
cases when relevant. an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.

Explanation .- Nothing in this section shall be taken to exempt any barrister, pleader, attorney or vakil from giving evidence of any matter of which he may be compelled to give evidence under section 126.

24. A confession made by an accused person is irrelevant in a criminal

Confession caused by inducement, threat or promise irrelevant. proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat

or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

Confession made to a Police officer not to be used as evidence.

25. No confession made to a Police officer, shall be proved as against a person accused of any offence

made by any 26. No confession whilst he is in the custody Confession made by acof a Police officer, unless it be made in the immediate presence of a Magistrate, cused while in custody of Police not to be used shall be proved as against such person.

27. Provided that, when any fact is deposed to

So much of statement or confession made by accused as relates to fact thereby discovered, may be proved.

as discovered in consequence of information received from a person accused of any offence, in the custody of a Police officer, so much of such information, whether

it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be

28. If such a confession as is referred to in sec-

tion twenty-four is made after the impression caused by any removal of impression caused by inducement, threat or promise relesuch inducement, threat, or promise has, in the opinion of the Court, been fully re-

moved, it is relevant.

29. If such a confession is otherwise relevant, otherwise it does not become irrelevant Confession Confession otherwise merely because it was made irrelevant because of pro- under a promise of secrecy, mise of secrecy, &c. or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such confession, and that evidence of it might be given against him.

30. When more persons than one are being tried jointly for the same offence, Consideration of prov-ed confession affecting person making it and others jointly under trial for same offence. and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration such confession as against such other person as well as against the

person who makes such confession. Illustrations.

- (c.) A and B are jointly tried for the murder of C. It is proved that A said,—" B and I murdered C." The Court may consider the effect of this confession as against B.
- (b.) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said,—
 "A and I murdered C."

This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

31. Admissions are not conclusive proof of the matters admitted, but Admissions not concluthey may operate as estoppels sive proof, but may estop. under the provisions hereinafter contained.

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

Cases in which state-ment of relevant fact by person who is dead or cannot be found, &c., is

32. Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot

be procured without an amount of delay or expense which, under the circumstances of the case, appears to the Court unreasonable, are themselves relevant facts in the following cases:-

(1.) When the statement is made by a person, when it relates to as to the cause of his death, enuse of death; or as to any of the circumor as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question.

Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

(2.) When the statement was made by such or is made in course person in the ordinary of business; course of business, and in course of business, and in particular when it consists of any entry or memorandum made by him in books kept in the ordinary course of husiness, or in the discharge of professional duty; or of an acknowledgment written or signed by him of the receipt of money, goods, securities or property of any kind; or of a document used in commerce written or signed by him, or of the date of a letter or other document usually dated, written or signed by him.

- (3.) When the statement is against the pecuor against interest miary or proprietary interest of maker; of the person making it, or when, if true, it would expose him or would have exposed him to a criminal prosecution or to a suit for damages.
- or gives opinion as to public right or custom or matters of general interest; of public or general interest, of the existence of which, if it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom or matter had arisen.
- (5.) When the statement relates to the existor relationship; between persons as to of relationship; whose relationship the person making the statement had special means of knowledge, and when the statement was made before the question in dispute was raised.
- (6.) When the statement relates to the existor is made in will or ence of any relationship be-deed of deceased person; tween persons deceased, and is made in any will or deed relating to the affairs of the family to which any such deceased person belonged, or in any family pedigree, or upon any tombetone, family portrait or other thing on which such statements are usually made, and when such statement was made before the question in dispute was raised.

(7.) When the statement or relates to transaction mentioned in section 18, clause (a); (7.) When the statement is contained in any deed, will or other document which or other document which relates to any such transaction as is mentioned in section thirteen, clause (a).

(8.) When the statement was made by a numor is made by several ber of persons, and ex-pressed feelings or imprespersona, and expresses pressed feelings or impres-feelings relevant to matter in question. the matter in question.

Illustrations.

(a.) The question is, whether A was murdered by B; or

A dies of injuries received in a transaction in the course of which she was ravished. The question is whether she was ravished by B: or

The question is, whether A was killed by B under such circumstances that a suit would lie against B by A's widow.

Statements made by A as to the cause of his or her death, referring respectively to the murder, the mpe, and the actionable wrong under consideration, are relevant facts.

(b.) The question is as to the date of A's birth.

An entry in the diary of a deceased surgeon, regularly kept in the course of business, stating that, on a given day, he attended A's mother and delivered her of a son, is a relevant fast.

- (c.) The question is, whether A was in Calcutta on a given
- A statement in the diary of a deceased solicitor, regularly kept in the course of business, that, on a given day, the solicitor attended A at a place mentioned in Calcutta for the purpose of conferring with him upon specified business, is a recevant fact.
- (d.) The question is, whether a ship sailed from Bombay arbour on a given day.
- A letter written by a deceased member of a merchant's firm, by which she was chartered, to their correspondents in London to moon the cargo was consigned, stating that the ship sailed on a given duy from Bombay harbour, is a relevant fact.
- The question is, whether rent was paid to A for cer-

A letter from A's decessed agent to A saying that he had re-ceived the rent on A's account and held it at A's orders, is a relevant fact.

(f.) The question is, whether A and B were legally married. The statement of a deceased clergyman that he married them under such circumstances that the celebration would be a crime, is relevant.

(g.) The question is, whether A, a person who cannot be found, wrote a letter on a certain day. The fact that a letter written by him is dated on that day, is relevant.

(A.) The question is, what was the cause of the wreck of a

A protest made by the captain, whose attendance cannot be ed, is a relevant fact.

(i.) The question is, whether a given road is a public way.

A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.

(j.) The question is, what was the price of grain on a certain ay in a particular market. A statement of the price, made by deceased banya in the ordinary course of his business, is a relevant fac

(k.) The question is, whether A, who is dead, was the father of B.

A statement by A that B was his son, is a relevant fact.

(L) The question is, what was the date of the birth of A.

A letter from A's deceased father to a friend, announcing the birth of A on a given day, is a relevant fact.

(m.) The question is, whether, and when, A and B were

An entry in a memorandum book by C, the deceased father of B, of his daughter's marriage with A at a given date, is a relevant fact.

(n.) A sues B for a libel expressed in a painted caricature exposed in a shop window. The question is as to the similarity of the caricature and its libellous character. The remarks of a crowd of spectators on these points may be proved.

33. Evidence given by a witness in a judicial

Bvidence in a former judicial proceeding when relevant

proceeding, or before any person authorised by law to take it, is relevant for the purpose of proving, in a subsequent

judicial proceeding, or in a later stage of the same judicial proceeding, the truth of the facts which it states, when the witness is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable:

Provided

that the proceeding was between the same parties or their representatives in interest;

that the adverse party in the first proceeding had the right and opportunity to cross-examine;

that the questions in issue were substantially the same in the first as in the second proceeding.

Explanation .- A criminal trial or enquiry shall be deemed to be a proceeding between the prose-cutor and the accused within the meaning of this section.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

34. Entries in books of account, regularly kept Entries in books of secount when relevant. to a matter into which the Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

27 untration

A sucs B for Rs. 1,000 and shows entries in his account books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient without other evidence to

Entry in public re-cord, made in perform-ance of duty enjoined by law, when relevant.

35. An entry in any public or other official book, register, or record, stating a fact in issue or relevant fact and made by a public servant in the discharge of his official duty, or

by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record is kept, is itself a relevant fact.

Statements of facts in issue or relevant. Maps and plane when facts, made in published maps or charts generally relevant. offered for public sale, maps or plans made under the authority of Government, as to matters usually represented or stated in such maps, charts or plans, are themselves rele-

37. When the Court has to form an opinion

Statement as to fact of public nature contained in any Act or Notifica-tion of Government,

as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament or in any Act of

the Governor General of India in Council, or of the Governors in Council of Madras or Bombay, or of the Lieutenant-Governor in Council of Bengal, or in a notification of the Government appearing in the Gazette of India, or in the Gazette of any Local Government, or in any printed paper purporting to be the London Gazette or the Government Gazette of any colony or possession of the Queen, is a relevant fact.

When the Court has to form an opinion as to a law of any country, any Statements in lawstatement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book pur-

porting to be a report of such rulings, is relevant. How much of a Statement is to be proved.

39. When any statement of which evidence

What evidence to be given when statement forms part of a conver-sation, document, book, or series of letters or papers.

is given forms part of a longer statement, or of a conversation or part of an isolated document, or is contained in a document which forms part of a book, or of a connected series of letters or

papers, evidence shall be given of so much and no more of the statement, conversation, document, book, or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

40. The existence of any judgment, order or decree which by law pre-Previous vents any Court from taking judgments relevant to bar a second cognizance of a suit or hold-

ing a trial, is a relevant fact when the question is whether such Court ought to take cognizance of such suit, or to hold such trial.

41. A final judgment, order or decree of a Judgments in probate, cise of probate, matrimonial, Admiralty or insolvency juris-&c., jurisdiction.

diction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant when the existence of any such legal character, or the title of any such person to any such thing, is relevant.

Such judgment, order or decree is conclusive proof

that any legal character which it confers accrued at the time when such judgment, order or decree came into operation;

that any legal character, to which it declares any such person to be entitled, accrued to that person at the time when such judgment declares it to have accrued to that person;

that any legal character which it takes away from any such person ceased at the time from which such judgment declared that it had ceased or should cease;

and that any thing to which it declares any person to be so entitled was the property of that person at the time from which such judgment declares that it had been or should be his property.

Judgments, order or those mentioned in section those mentioned in section forty-one, are relevant if they relate to matters of a public nature relevant to the en-

quiry; but such judgments, orders or decrees are not conclusive proof of that which they state.

Illustration.

A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favour of the defendant, in a suit by A against C for a trespuss on the same land, in which C alleged the existence of the same right of way is relevant, but it is not conclusive proof that the right of way exists.

43. Judgments, orders or decrees, other than those mentioned in sections forty, forty-one and forty-two, are irrelevant, unless the existence of such judgment, order or decree, is a fact in issue, or is relevant under some other pro-

vision of this Act.

Illustrations.

(a.) A and B separately sue C for a libel which reflects upon each of them. C in each case says, that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.

(b.) A prosecutes B for adultery with C, A's wife.

B denies that C is A's wife, but the Court convicts B of adultery.

Afterwards, C is prosecuted for bigamy in marrying B during A's lifetime. C says that she never was B's wife.

The judgment against B is irrelevant as against C.

(c.) A prosecutes B for studing a cow from him. B is convicted.

A, afterwards, suce C for the cow, which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant.

(d.) A has obtained a decree for the possession of land against B. C. B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime.

Proud, collasion and incompetency of Court may be proved.

Any party to a suit or other proceeding may show that any judgment, order or decree which is relevant under section forty, forty-one or forty-two and which has been proved by the adverse party, was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

OPINIONS OF THIRD PERSONS WHEN RELEVANT.

45. When the Court has to form an opinion upon a point of foreign law, or of science or art, or as to identity of handwriting, the opinions upon that point of persons specially skilled in such foreign law, science or art, are replevant facts.

Such persons are called experts.

Illustrations.

(c.) The question is, whether the death of A was caused by poison.

The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

(b.) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinions of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant

(c.) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the mune person or by different persons, are relevant.

46. Facts, not otherwise relevant, are relevant.

Facts bearing apon opinious of experts.

if they support or are inconsistent with the opinious of experts, when such opinious are relevant.

Illustrations.

(a.) The question is, whether A was poisoned by a certain poison.

The fact that other persons, who were poisoned by that poison, exhibited certain symptoms which experts affirm or deny to be the symptoms of that poison, is relevant.

(b.) The question is, whether an obstruction to a harbour is caused by a certain sea wall.

The fact that other harbours similarly situated in other respects, but where there were no such sea walls, began to be obstructed at about the same time, is relevant.

47. When the Court has to form an opinion opinion as to hand as to the persons by whom writing.

any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

Explanation.—A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.

Illustration.

The question is, whether a given letter is in the handwriting of A, a merchant in London.

B is a merchant in Calcutta, who has written letters addressed to A and received letters purporting to be written by him. C is B's clerk, whose duty it was to examine and file it's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the p. repose of advising with him thereon.

The opinions of B. C and D on the question whether the letter is in the handwriting of A are relevant though neither B. C nor D over saw A write.

48. When the Court has to form an opinion as

Opinion as to exist-ence of right or custom, when relevant.

to the existence of any general custom or right, the opinions, as to the existence of

such custom or right, of perif it existed, are relevant.

Explanation.—The expression 'general custom or right' includes customs or rights common to any considerable class of persons.

Illustration.

The right of the villagers of a particular village to use the water of a particular well is a general right within the meaning of this section.

49. When the Court has teneta, &c., when to form an opinion as torelevant.

the usages and tenets of any body of men or family,

the constitution and government of any religious or charitable foundation, or

the meaning of words or terms used in particular districts or by particular classes of people,

the opinions of persons having special means of knowledge thereon, are relevant facts.

50. When the Court has to form an opinion Opinion on relationperson to another, the opinion, ship when relevant. expressed by conduct, as to the existence of such relationship, of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant

fact: Provided that such opinion shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, or in prosecutions under Section four hundred and ninety-four, four hundred and ninety-five, four hundred and ninety-seven or four hundred and ninety-eight of the Indian Penal Code.

Illustrations.

(a.) The question is, whether A and B were married.

The fact that they were usually received and treated by their friends as husband and wife, is relevant.

- (b.) The question is whether A was the legitimate son of B. The fact that A was always treated as such by members of the family, is relevant.
- 51. Whenever the opinion of any living person is relevant, the grounds on when relevant. are also relevant.

Illustration.

An expert may give an account of experiments performed by him for the purpose of forming his opinion.

CHARACTER WHEN RELEVANT.

52. In civil cases, the fact that the character of any person concerned is

in civil cases, character to prove conduct imputed irrelevant. such as to render probable or improbable any conduct imputed to him, is irrelevant,

except in so far as such character appears from facts otherwise relevant.

In criminal cases, pre-vious good character relevant.

53. In criminal proceedings, the fact that the person accused is of a good character, is relevant.

54. In criminal proceedings, the fact that the Previous conviction in criminal trials relevant, but not previous bad character, except in reaccused person has been previously convicted of any offence is relevant; but the fact that he has a bad character is irrelevant, unless evi-

dence has been given that he has a good character, in which case it becomes relevant.

Explanation .- This section does not apply to ses in which the bad character of any person is itself a fact in issue.

55. In civil cases, the fact that the character of any person is such as to affect Character as affecting the amount of damages which he ought to receive, is relevant.

Explanation .- In sections fifty-two, fifty-three, fifty-four and fifty-five, the word 'character' in-cludes both reputation and disposition; but evidence may be given only of general reputation and general disposition, and not of particular acts by which reputation or disposition were shown.

PART II.

ON PROOF.

CHAPTER III .- FACTS WHICH NEED NOT BE PROVED.

fact judicially

56. No fact of which the Court will take judicial notice need be proved.

Facts of which Court must take judicial notice.

- 57. The Court shall take judicial notice of the following facts:-
- (1.) All laws or rules having the force of law now or heretofore in force or hereafter to be in force in any part of British India:
- (2.) All public Acts passed or hereafter to be passed by Parliament, and all local and personal Acts directed by Parliament to be judicially noticed:
- (3.) Articles of War for Her Majesty's Army or Navy:
- (4.) The course of proceeding of Parliament and of the Councils for the purposes of making Laws and Regulations established under the Indian Councils' Act, or any other law for the time being relating thereto.

Explanation .- The word 'Parliament,' in clauses (2) and (4), includes-

- 1. The Parliament of the United Kingdom of . Great Britain and Ireland;
- The Parliament of Great Britain:
- The Parliament of England:
- The Parliament of Scotland, and
- 5. The Parliament of Ireland.
- (5.) The accession and the sign manual of the Sovereign for the time being of the United Kingdom of Great Britain and Ireland:
- (6.) All seals of which English Courts take judicial notice: the seals of all the Courts of British India, and of all Courts out of British India, established by the authority of the Governor General or any Local Government in Council: the seals of Courts of Admiralty and Maritime Jurisdiction and of Notaries public, and all seals which any person is authorized to use by any Act of Parliament or other Act or Regulation having the force of law in British India:
- (7.) The accession to office, names, titles, functions, and signatures of the persons filling for the time being any public office in any part of British India, if the fact of their appointment to such office is notified in the Gazette of India, or in the official Gazette of any Local Government:

- (8.) The existence, title, and national flag of every State or Sovereign recognized by the British Crown:
- (9.) The divisions of time, the geographical divisions of the world, and public festivals, fasts and holidays notified in the official Gazette:
- (10.) The territories under the dominion of the British Crown:
- (11.) The commencement, continuance, and termination of hostilities between the British Crown and any other State or body of persons:
- (12.) The names of the members and officers of the Court, and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates, attornies, proctors, vakils, pleaders and other persons authorized by law to appear or act before it:
 - (13.) The rule of the road.

In all these cases, and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so, nuless and until such person produces any such book or document as it may consider necessary to enable it to do so.

Facts admitted. which the parties thereto or their agents agree to admit at the hearing, or which, before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings: Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.

CHAPTER IV .- OF ORAL EVIDENCE.

59. All facts, except the contents of documents, may be proved by oral evidence.

Proof of facts by oral dence.

Oral evidence must be direct.

60. Oral evidence must, in all cases, whatever, be direct; That is to say—

If it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it;

If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it;

If it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner;

If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds:

Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or has become incapable of giving evidence, or cannot be called as a witness without an amount of delay or expense which the Court regards as unreasonable;

Provided also that, if oral evidence refers to the existence or condition of any material thing other

than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection.

CHAPTER V. -- OF DOCUMENTARY EVIDENCE.

- Proof of contents of documents may be proved either by primary or by secondary evidence.
 - 62. Primary evidence means the document itself produced for the inspection of the Court.

Explanation 1.—Where a document is executed in several parts, each part is primary evidence of the document:

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.

Explanation 2.—Where a number of documents are all made by one uniform process, as in the case of printing, lithography, or photography, each is primary evidence of the contents of the rest; but where they are all copies of a common original, they are not primary evidence of the contents of the original.

Illustration.

A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original.

Secondary evidence means and includes—

- (1.) Certified copies given under the provisions hereinafter contained;
- (2.) Copies made from the original by mechanical processes which in themselves insure the accuracy of the copy, and copies compared with such copies;
- (3.) Copies made from or compared with the original;
- (4.) Counterparts of documents as against the parties who did not execute them;
- (5.) Oral accounts of the contents of a document given by some person who has himself seen it.

Illustrations.

- (a.) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.
- (b.) A copy compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.
- (c.) A copy transcribed from a copy, but afterwards compared with the original, is secondary evidence; but the copy not so compared is not accountary evidence of the original, although the copy from which it was transcribed was compared with the original.
- (d.) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.
- Proof of 'documents by primary evidence except in the cases hereinnster mentioned.
- Cases in which secondary evidence may be given of the existence, condition, or contents of a document in the following cases:—
- (a.) When the original is shown or appears to be in the possession or power

of the person against whom the document is sought to be proved, or

of any person out of reach of, or not subject to,

the process of the Court, or of any person legally bound to produce it,

and when, after the notice mentioned in section sixty-six, such person does not produce it;

- (b.) When the existence, condition or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative in interest;
- (c.) When the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time:
- When the original is of such a nature as (2) not to be easily moveable;
- (e.) When the original is a public document within the meaning of section seventy-four;
- (f.) When the original is a document of which a certified copy is permitted by this Act, or by any other law in force in British India, to be given in evidence;
- (g.) When the originals consist of numerous accounts or other documents which cannot convenieutly be examined in Court, and the fact to be proved is the general result of the whole collection.

In cases (a), (c) and (d), any secondary evidence of the contents of the document is admissible.

In case (b), the written admission is admissible.

In case (e) or (f), a certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (g), ovidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

66. Secondary evidence of the contents of the documents referred to in sec-Rules as to notice to tion sixty-five, clause (a), shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, such notice to produce it as is prescribed by law; and if no notice is prescribed by law, then such notice as the Court con-aiders reasonable under the circumstances of the case:

Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases, or in any other case in which the Court thinks fit to dispense with it :-

- (1.) When the document to be proved is itself
- (2.) When from the nature of the case, the adverse party must know that he will be required to produce it;
- (3.) When it appears or is proved that the adverse party has obtained possession of the original by fraud or force;
- (4.) When the adverse party or his agent has the original in Court;
- (5.) When the adverse party or his agent has admitted the loss of the document;
- (6.) When the person in possession of the document is out of reach of, or not subject to, the process of the Court.

67. If a document is alleged to be signed or to have been written wholly Proof of signature and or in part by any person, the handwriting of person alleged to have signed or written document signature or the handwriting of so much of the document produced. as is alleged to be in that

person's handwriting must be proved to be in his handwriting.

- 68. If a document is required by law to be attested, it shall not be used Proof of execution of as evidence until one attestdocument required by ing witness at least has been law to be attested. law to be attested. called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence.
- 69. If no such attesting witness can be found, or if the document purports Proof where no at-to have been executed in the United Kingdom, it must be proved that the attestation of one attesting witness at least is in his handwriting, and that the signature of the person executing the document is in the handwriting of that person.
- 70. The admission of a party to an attested Admission of execution by Admission of execution himself shall be sufficient proof of its execution as by party to attested doagainst him; though it be a document required by law to be attested.
- 71. If the attesting witness denies or does not Proof when attesting witness denies the execution of the document, its execution may document, its execution may be proved by other evidence.
- Proof of document by law to be attested may not required by law to be proved as if it
- 73. In order to ascertain whether a signature, Comparison of handperson by whom it purports to have been written or made, any signature, writing, or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

PUBLIC DOCUMENTS.

74. The following documents are public docu-Public documents. ments :-

- 1. Documents forming the Acts, or records of
 - (i) of the sovereign authority,
 - (ii) of official bodies and tribunals, and
- (iii) of public officers, legislative, judicial and executive, whether of British India, or of any other part of Her Majesty's dominions, or of a foreign country.
- 2. Public records kept in British India of private documents.

Private documents.

75. All other documents are private.

Cortified copies of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

Explanation.—Any officer who, by the ordinary course of official duty, is authorised to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

77. Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

Proof of other official documents may be proved as follows:

(1.) Acts, orders or notifications of the Executive Government of British India in any of its departments, or of any Local Government or any department of any Local Government,

by the records of the departments certified by the heads of those departments respectively,

or by any document purporting to be printed by order of any such Government:

(2.) The proceedings of the Legislatures,

by the journals of those bodies respectively, or by published Acts or abstracts, or by copies purporting to be printed by order of Government:

(3.) Proclamations, orders or regulations issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government,

by copies or extracts contained in the London Gazette, or purporting to be printed by the Queen's Printer:

(4.) The Acts of the Executive or the proceedings of the legislature of a foreign country,

by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some public Act of the Governor General of India in Council:

(5.) The proceedings of a municipal body in British India,

by a copy of such proceedings certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body:

(6.) Public documents of any other class in a foreign country,

by the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public or of a British Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of the foreign country.

PRESUMPTIONS AS TO DOCUMENTS.

Presumption as to certified opies.

Presumption as to certified copy, or other document, which is by law declared to be admissible as

evidence of any particular fact, and which purports to be duly certified, by any officer in British India, or by any officer in any Native State in alliance with Her Majesty, who is duly authorised thereto by the Governor General in Council, to be genuine: Provided that such document is substantially in the form and purports to be executed in the manner directed by law in that behalf. The Court shall also presume that any officer, by whom any such document purports to be signed or certified, held, when he signed it, the official character which he claims in such paper.

Presumption on production of record of evidence.

Presumption on production of record of evidence.

of the evidence or of any part of the evidence given by a witness in a judicial proceeding or before any officer authorised by law to take such evidence, or to be a statement or confession by any prisoner or accused person taken in accordance with law and purporting to be signed by any Judge or Magistrate or by any such officer as aforesaid, the Court shall presume—

that the document is genuine; that any statements, as to the circumstances under which it was taken, purporting to be made by the person signing it, are true, and that such evidence, statement or confession was duly taken.

Presumption as to every document purporting to be the London Gazette, or the Gozette of India, or the Gozette of any Local Government, or of any colony, dependency or possession of the British Crown, or to be a newspaper or journal, or to be a copy of a private Act of Parliament printed by the Queen's Printer, and of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

Presumption as to document admissible in
England without proof
of seal or signature.

Court purporting to be a
document which, by the law
in force for the time being in
England or Ireland, would be
admissible in proof of any particular in any Court
of Justice in England or Ireland without proof of
the seal or stamp or signature authenticating it,
or of the judicial or official character claimed by
the person by whom it purports to be signed, the
Court shall presume that such seal, stamp or signature is genuine, and that the person signing it
held, at the time when he signed it, the judicial or
official character which he claims,

and the document shall be admissible for the same purpose for which it would be admissible in England or Ireland.

Proof of maps made plans purporting to be made by the authority of Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate.

84. The Court shall presume the genuineness of Presumption as to every book purporting to be collections of laws and printed or published under the authority of the Government of any country, and to contain any of the laws of that country,

and of every book purporting to contain reports of decisions of the Courts of such country.

85. The Court shall presume that every document purporting to be a powers of attorney.

Presumption as to er of attorney, and to have been executed before, and authenticated by a notary public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India, was so executed and authenticated.

Presumption as to cerpurporting to be a certified tified copies of foreign copy of any judicial record of judicial records.

The Court may presume that any document purporting to be a certified tified copies of foreign copy of any judicial record of judicial records.

The Court may presume that any document of any judicial record of any country not forming part of Her Majesty's dominions is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of Her Majesty or of the Government of India resident in such country to be the manner commonly in use in that country for the certification of copies of judicial records.

Presumption as to which it may refer for inbooks and maps.

The Court may presume that any book
to which it may refer for information on matters of
public or general interest,
and that any published map or chart, the
statements of which are relevant facts and which
is produced for its inspection, was written and published by the person, and at the time and place,
by whom or at which it purports to have been
written or published.

88. The Court may presume that a message, forwarded from a telegraph Presumption as to office to the person to whom

Presumption as to photographs, machine copies and telegraphic messages.

office to the person to whom such message purports to be addressed, corresponds with a message delivered for transfrom which the message pur-

mission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

Presumption as to due execution, &c., of documents not produced.

and executed in the manner required by law.

Documents thirty years old. to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the signature and every other part of such document which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

Explanation.—Documents are said to be in proper custody if they are in the place in which, and under the care of the person with whom, they would naturally be; but no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

This explanation applies also to section eighty. one.

Illustrations.

- (a.) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land showing his titles to it. The custody is proper.
- (b.) A produces deeds relating to landed property of which he is the mortgagee. The mortgager is in possession. The custody is proper.
- (c.) A, a connection of B, produces deeds relating to lands in B's possession, which were deposited with him by B for safe custody. The custody is proper.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

Evidence of terms of grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained.

Exception 1.—When a public officer is required by law to be appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

Exception 2.—Wills under the Indian Succession Act may be proved by the Probate.

Explanation 1.—This section applies equally to cases in which the contracts, grants or disposition of property referred to are contained in one document, and to cases in which they are contained in more documents than one.

Explanation 2.—Where there are more originals than one, one original only need be proved.

Explanation 3.—The statement in any document whatever of a fact other than the facts referred to in this section, shall not preclude the admission of oral evidence as to the same fact.

Illustrations.

- (a.) If a contract be contained in several letters, sil the letters in which it is contained must be proved.
- (b.) If a contract is contained in a bill of exchange, the bill of exchange must be proved.
- (c.) If a bill of exchange is drawn in a set of three, one only need be proved.
- (d.) A contracts in writing with B for the delivery of indigo upon certain terms. The contract mentions the fact that B had paid A the price of other indigo contracted for verbally on another occasion.

Oral evidence is offered that no payment was made for the other indigo. The evidence is admissible.

- (c.) A gives B a receipt for money paid by B.
 Oral evidence is offered of the payment.
 The evidence is admissible.
- Exclusion of evidence of oral agreement.

 Exclusion of evidence of oral agreement.

 Exclusion of evidence of oral agreement.

 The property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted as between the parties to any such instrument or their representatives in interest, for the purpose of contradicting, varying, adding to, or subtracting from, its terms:

Proviso (1).—Any fact may be proved which would invalidate my document, or which would entitle any person to any decree or order relating thereto; such as fraud, intimidation, illegality, want of due execution, want of capacity in any contracting party, want or failure of consideration, or mistake in fact or law.

Proviso (2).—The existence of any separate oral agreement as to any matter on which a document is silent and which is not inconsistent with its terms, may be proved. In considering whether or not this proviso applies, the Court shall have regard to the degree of formality of the document.

Proviso (3).—The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property, may be proved.

Provise (4).—The existence of any distinct subsequent oral agreement to reseind or modify any such contract, grant or disposition of property, may be proved, except in eases in which such contract, grant or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

Proviso (5).—Any usage or custom by which incidents, not expressly mentioned in any contract, are usually annexed to contracts of that description, may be proved: Provided that the annexing of such incident would not be repugnant to, or inconsistent with, the express terms of the contract.

Proviso (6).—Any fact may be proved which shows in what manner the language of a document is related to existing facts.

Illustrations.

- (a.) A policy of insurance is effected on goods "in ships from Calcuta to London." The goods are shipped in a perticular ship which is lost. The fact that that particular ship was orally excepted from the policy, caunor be proved.
- (b.) A agrees absolutely in writing to pay B Rs. 1,000 on the 1st Murch 1873. The fact that, at the same time, an oral agreement was made that the movey should not be paid till the 31st March, cannot be proved.
- (c.) An estate called 'the Rampore tea estate' is sold by a deed which contains a map of the property sold. The fact that band not included in the map had always been regarded as part of the estate and was mount to pass by the deed, cannot be proved.
- (d.) A enters into a written contract with B to work certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of P's as to their value. This fact may be proved.
- (c.) A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed.
- (f.) A orders goods of B by a letter in which nothing is said as to the time of payment, and accepts the goods on delivery. B sucs A for the price. A may show that the goods were supplied on credit for a term still unexpired.
- (y.) A sells B a horse and verbally warrants him sound. A gives B a paper in these words: 'Bought of A a horse for Rs. 500.' B may prove the verbal warranty.
- (h.) A hires lodgings of B, and gives B a card on which is written—' Rooms, Rs. 200 a month.' A may prove a verbal agreement that these terms were to include partial board.

A hires lodgings of B for a year, and a regularly stamped agreement drawn up by an atterney is made between them. It is silent on the subject of board. A may not prove that board was included in the terms verbally.

(i.) A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money. In a suit for the amount, A may prove this.

- (i.) A and B make a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who sues A upon it. A may show the circumstances under which it was delivered.
- 93. When the language used in a document Exclusion of evidence is, on its face, ambiguous or to explain or amend defective, evidence may not ambiguous document. be given of facts which would show its meaning or supply its defects.

Illustrations.

(a.) A agreed in writing to sell a horse to B for 'Rs. 1,000 or Rs. 1,500.'

Evidence cannot be given to show which price was to be given.

- (b.) A deed contains blanks. Evidence cannot be given of facts which would show how they were meant to be tilled.
- Exclusion of evidence against application of document to existing facts, evidence may not fucts.

 By the language used in a document is plain in itself, and when it applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

Illustration.

A sells to B by deed 'my estate at Rampare containing 100 bighs.' A has an estate at Rampare containing 100 bighs. Evidence may not be given of the fact that the estate meant to be sold was one situated at a different place and of a different size.

95. When language used in a document is

Evidence as to document unmeaning in reference to existing teets
given to show that it was used in a peculiar sense.

Illustration.

A sells to B by deed 'my house in Calcutta.'

A had no house in Culcutta, but it appears that he had a house at Howards, of which B had been in presession since the execution of the deed.

These facts may be proved to show that the deed related to the house at Howrah.

96. When the facts are such that the lan-Evidence as to application of language which can apply to one only of several persons.

one, of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

Illustrations.

- (a.) A agrees to sell to B for Rs. 1,000 "my white horse." A has two white horses. Evidence may be given of facts which show which of them was meant.
- (b.) A agrees to accompany B to Hyderabad. Evidence may be given of facts showing whether Hyderabad in the Deccan or Hyderabad in Scind was meant.
- Evidence as to application of language to one set of existing facts, and partly to another set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

Illustration.

A agrees to sell to B 'my land at X' in the occupation of Y. A has land at X, but not in the occupation of Y, and he has land in the occupation of Y, but it is not at X. Evidence may be given of facts showing which he meant to sell.

98. Evidence may be given to show the meaning of illegible or not commonly intelligible characters, acceptable characters, of foreign, obsolete, technical, local, and provincial expressions, of abbreviations and of words used in a peculiar sense.

Illustration.

A, a sculptor, agrees to sell to B 'all my mode.' A has both models and modelling tools. Evidence may be given to show which he meant to sell.

99. Persons who are not parties to a docu-Who may give evidence ment, or their representatives of agreement varying in interest, may give evidence of any facts tending to allow of any facts tending to show a contemporaneous agreement varying the terms of the document.

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months' credit shall be given to A. This could not be shown as between A and B, but it might be shown by C if it affected his interests.

, 100. Nothing in this chapter contained shall Saving of provisions be taken to affect any of the fulian Succession Act provisions of the Indian Succession Act (X of 1865) as to the construction of wills.

PART III.

PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER VII.-OF THE BURDEN OF PROOF.

101. Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he as-Burden of proof.

serts, must prove that those facts exist.

When a person is bound to prove the existence of any fuet, it is said that the burden of proof lies on that person.

Illustrations.

(a.) A desires a Court to give judgment that B shall be punished for a crime which A says B has committed.

A must prove that B has committed the crime.

(b.) A desires a Court to give judgment that he is entitled to certain land in the possession of B by reason of facts which he asserts and which B denies to be true.

A must prove the existence of those facts.

102. The burden of proof in a suit or proceed-On whom burden of ing lies on that person who proof lies. would fail if no evidence at all were given on either side.

Illustrations '

(a.) A sues B for land of which B is in possession, and which, as A usserts, was left to A by the will of C, B's father.

If no evidence were given on either side, B would be entitled to retain his possession.

Therefore the burden of proof is on A.

(b.) A sues B for money due on a bond.

The execution of the bond is admitted, but B says that it was obtained by fraud, which A denies.

If no evidence were given on either side, A would succeed, as the bond is not disputed and the fraud is not proved.

Therefore the burden of proof is on B.

103. The burden of proof as to any particular fact lies on that person who wishes the Court to believe in the existence typical it is proits existence, unless it is pro-vided by any law that the proof of that fact shall lie on any particular person.

Illustration.

(a.) A prosecutes B for theft, and wishes the Court to be-lieve that Bendmitted the theft to C. A must prove the ad-mission.

B wishes the Court to believe that, at the time in question, he as elsewhere. He must prove it.

104. The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact is Burdon of proving fact to be proved to make evidence admis-

on the person who wishes to give such evidence.

Illustrations.

(a.) A wishes to prove a dying declaration by B. A must prove B's death.

(b.) A wishes to prove, by secondary evidence, the contents of a lost document.

A must prove that the document has been lost,

105. When a person is accused of any of-Burden of proving fence, the burden of proving that case of accused the existence of circumstances comes within exceptions. bringing the case within any of the General Exceptions in the Indian Penal Code, or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.

Illustrations.

(a.) A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act.

The burden of proof is on A.

(b.) A, accused of murder, alleges that, by grave and sudden provocation, he was deprived of the power of sulf-control.

The burden of proof is on A.

(c.) Section three hundred and twenty-five of the Indian Penal Code provides that whoever, except in the case provided for by section three hundred and thirty-five, voluntarily causes grievous hurt, shall be subject to certain punishments.

A is charged with voluntarily causing grievous hurt under section three hundred and twenty-five.

The burden of proving the circumstances bringing the case under section three hundred and thirty-five lies on A.

106. When any fact is especially within the Burden of proving fact especially within know-burden of proving that fact is upon him is upon him.

Illustrations.

- (a.) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.
- (b.) A is charged with travelling on a railway without a ticket. The burden of proving that he had a ticket is on him.
- 107. When the question is whether a man is Burden of proving alive or dead, and it is death of person known shown that he was alive to have been alive within thirty weeks the within thirty years, the in thirty years. burden-of proving that he is dead is on the person who affirms it.
- 108. When the question is whether a man is Rurden of proving alive or dead, and it is proved Burden of proving that person is alive who has not been heard of that he has not been heard of for seven years by those who would naturally have for seven years. heard of him if he had been alive, the burden of proving that he is alive is on the person who affirms it.
- 109. When the question is whether person Burden of proof as to are partners, landlord and partnership, tenancy and tenant, or principal and agent, and it has been shown that they have been acting as such, the burden of proving that they do not stand, or have ceased to stand, to each other in those relationships respectively, is on the person who affirms it.

- 110. When the question is whether any per-Burden of proof as to son is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.
- Proof of good faith in transactions where one party is in relation of active confidence.

 The proof of good faith faith of a transaction between parties, one of whom stands to the other in a position of active confidence, the burden active confidence, the burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

Illustrations.

- (a.) The good faith of a sale by a client to an attorney. is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the attorney
- (b.) The good faith of a sale by a son just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.
- Birth during marriage, conclusive proof of legitimacy.

 The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two timacy. and any man, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, shall be con-clusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten. .
- 113. A notification in the Gazette of India Proof of cession of that any portion of British territory has been ceded to territory. any Native State, Prince or Ruler, shall be conclusive proof that a valid cession of such territory took place at the date mentioned in such notification.
- 114. The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the com-Court may presume existence of certain facts. mon course of natural events, human conduct and public and private business in their relation to the facts of the particular case.

Illustrations.

The Court may presume-

- (a.) That a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession;
- (b.) That an accomplice is unworthy of credit, unless he is corroborated in material particulars;
- (c.) That a bill of exchange, accepted or endorsed, was accepted or endorsed, for good consideration;
- (d.) That a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in
- (e) That judicial and official acts have been regularly performed;
- (f.) That the common course of business has been followed in particular cases;
- (g.) That evidence which could be and is not produced would, if produced, be unfavourable to the person who withholds it;
- (h.) That if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavourable to him;
- (i.) That whon a document creating an obligation is in the hands of the obligor, the obligation has been discharged.
- But the Court shall also have regard to such facts as the following, in considering whether such maxims do or do not apply to the particular case before them:—
- As to illustration (a)—A shop-keeper has in his till marked rupee soon after it was stolen, and cannot account to its possession specifically, but is continually receiving rupees in the course of his business:

- As to illustration (b)—A, a person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself:
- As to illustration (b)—A crime is committed by several persons. A, B and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a nonner as to render previous concert highly improbable:
- As to illustration (c)—A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence:

 As to illustration (d)—It is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course :
- As to illustration (a)—A judicial act, the regularity of which is in question, was performed under exceptional circumstances:
- As to illustration (f)—The question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances:
- As to illustration (g)—A man refuses to produce a document which would bear on a contract of small importance on which he is sued, but which might also injure the feelings and reputation of his family:
- As to illustration (h)—A man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked:
- As to illustration (i)—A bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.

CHAPTER VIII.—ESTOPPEL.

115. When one person has, by his declaration, act or omission, intentionally Estoppel. caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceeding between himself and such person or his representative to deny the truth of that thing.

Illustration.

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

- 116. No tenant of immoveable property, or person claiming through such tenant, shall, during the con-Estoppel of tenant. tinuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immoveable property; and no person who came upon any immoveable property by the license of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such license was given.
- 117. No acceptor of a bill of exchange shall Estoppel of acceptor be permitted to deny that of bill of exchange, the drawer had authority to draw such bill a territory to it, nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or license commenced, authority to make such bailment or grant such license.

Explanation (1).—The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been

Explanation (2).—If a bailed delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor.

CHAPTER IX.

OF WITNESSES.

118. All persons shall be competent to testify unless the Court considers Who may testify. that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same

Explanation.—A lunatic is not incompetent to testify unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them.

- 119. A witness who is unable to speak may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open Court. Evidence so given shall be deemed to be oral evidence.
- 120. In all civil proceedings the parties to the suit, and the husband or Married persons in Civil and Criminal Prowife of any party to the suit shall be competent witnesses. In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness.
- 121. No Judge or Magistrate shall, except Judges and Magistrates. upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as such Judge or Magistrate, or as to anything which came to his knowledge in Court as such Judge or Magistrate; but he may be examined as to other matters which occurred in his presence whilst he was so acting.

Illustrations.

- (a.) A, on his trial before the Court of Session, says that a deposition was improperly taken by B, the Magistrate. B cannot be compelled to answer questions as to this, except upon the special order of a Superior Court.
- (b.) A is accused before the Court of Session of having given false evidence before B, a Magistrate. B cannot be asked what A and, except upon the special order of the Superior Court.
- (c.) A is accused before the Court of Session of attempting to murder a Police officer whilst on his trial before B, a Sessions Judge. B may be examined as to what occurred.
- 122. No person who is or has been married, any communication made to him during marriage by any person to whom he is or has been married; nor shall he be permitted to disclose any such communication, unless the person who made it, or his representative in interest, consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other.
- 123. No one shall be permitted to give any Evidence as to attairs evidence derived from un-of State. published official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit,
- 124. No public officer shall be contpelled to Official communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure,

- 125. No Magistrate or police officer shall be compelled to say whence he commission of offences. got any information as to the commission of any offence.
- 126. No barrister, attorney, pleader or vakil,
 Professional com-shall at any time be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such barrister, pleader, attorney or vakil by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of such employment:

Provided that nothing in this section shall protect from disclosure-

- (1) Any such communication made in furtherance of any criminal purpose;
- (2) Any fact observed by any barrister, pleader, attorney or vakil in the course of his employment as such showing that any crime or fraud has been committed since the commencement of his employment.

It is immaterial whether the attention of such barrister, attorney or vakil was or was not directed to such fact by or on behalf of his client.

Explanation .- The obligation stated in this section continues after the employment has ceased.

Illustrations

(a.) A. a client, says to B. an attorney,—'I have committed forgery, and I wish you to defend me.'

As the defence of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

(b.) L, a client, says to B, an attorney,—' I wish to obtain possession of property by the use of a forged deed on which I request you to sue.'

This communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(c.) A, being charged with embezzlement, retains B, an attorney, to defend him. In the course of the proceedings, B chserves that an entry has been made in A's account book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment.

This being a fact observed by B in the course of his employment showing that a fraud has been committed since the commencement of the proceedings, it is not protected from

- 127. The provisions of section one hundred Section 126 to apply and twenty-six shall apply to interpreters, &c. interpreters, and the clerks or servants of barristers, pleaders, attorneys and vakils.
- 128. If any party to a suit gives evidence therein at his own instance Privilege not waived by volunteering evidence. by volunteering evidence. or otherwise, he shall not be deemed to have consented thereby to such disclosure as is mentioned in section one hundred and twenty-six; and if any party to a suit or proceeding calls any such barris-ter, attorney or vakil as a witness, he shall be deemed to have consented to such disclosure only if he questions such barrister, attorney, or vakil on matters which, but for such question, he would not be at liberty to disclose.
- 129. No one shall be compelled to disclose to the Court any confidential communication which has taken place between him and munication with legal his legal professional adviser, unless he offers him-

self as a witness, in which case he may be compelled to disclose any such communications as may appear to the Court necessary to be known in order to explain any evidence which he has given, but no others.

130. No witness who is not a party to a suit shall be compelled to produce his title-deeds to any property, er any document in virtue of which he holds any property as pledgee or mortgagee, or any document the production of which might tend to criminate him, unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

131. No one shall be compelled to produce do-

Production of doen-ments which another person, baving possession, would be entitled to re-fuse to produce.

cuments in his possession, which any other person would be entitled to refuse to produce if they were in possession, unless such lastmentioned person consents to their production.

132. A witness shall not be excused from an-Witness not excused swering any question as to from answering on any matter relevant to the ground that answer will matter in issue in any suit proceeding, upon the ground that the answer to such question will criminate, or may tend,

directly or indirectly, to oriminate such witness, or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind:

Provided that no such answer, which a witness shall be compelled to give, Proviso. shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

133. An accomplice shall be a competent witness against an accused Accomplice. person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

134. No particular number of witnesses shall in any case be required for Number of witnesses. the proof of any fact.

CHAPTER X .- OF THE EXAMINATION OF WIT-NESSES.

135. The order in which witnesses are produced Order of production and examined shall be regu-and examination of withtee by the law and practice for the time being relating to Civil and Criminal Procedure respectively, and, in the absence of any such law, by the discretion of the Court.

136. When either party proposes to give evidence of any fact, the Judge admissibility of evidences may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant; and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and not otherwise.

If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first mentioned, unless the party undertakes to give proof of such fact and the Court is satisfied with mediants. such undertaking.

If the relevancy of one alleged fact depends upon another alleged fact being first proved, the Judge may in his discretion either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first

Illustrations.

(a.) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under section thirty-two.

The fact that the person is dead must be proved by the person proposing to prove the statement before evidence is given of the statement.

(b.) It is proposed to prove by a copy the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy before the copy is produced.

(c.) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

The relevancy of the denial depends on the identity of the property. The Court may in its discretion either require the property to be identified before the denial of the possession is proved, or permit the denial of the possession to be proved before the property is identified.

(d.) It is proposed to prove a fact (A) which is said to have been the cause or effect of a fact in issue. There are several intermediate facts (B, C and D) which must be shown to exist before the fact A can be regarded as the cause or effect of the fact in issue. The Court may either permit A to be proved before B, C or D is proved, or may require proof of B, C and D before permitting proof of A.

137. The examination of a witness by the Examination-in-chief. party who calls him shall be called his examination-inchief.

The examination of a witness by the adverse party shall be called his Cross-examination. cross-examination.

The examination of a witness, subsequent to the cross-examination by Re-examination. party who called him, shall be called his re-examination.

138. Witnesses shall be first examined-in-chief, then (if the adverse party so Order of examinations. Direction of re-examindesires) cross-examined, then (if the party calling him so ation. desires) re-examined.

The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

The re-examination shall be directed to the explanation of matters referred to in cross-examination; and if new matter is, by permission of the Court, introduced in re-examination, the adverse party may further cross-examine upon that matter.

139. A person summoned to produce a document Cross-examination of does not become a witness by the mere fact that he produces a document.

the mere fact that he produces it, and cannot be crossexamined unless and until he is called as a witness.

Witnesses to charac-

140. Witnesses to character may be cross-examined and re-examined.

141. Any question suggesting the answer which the person putting it Leading question. wishes or expects to receive, is called a leading question.

142. Leading questions must not, if objected to by the adverse party, be asked.

When they must not asked in an examination-inchief, or in a re-examination, except with the permission of the Court.

The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.

When they may be may be asked in cross-exa-mination.

Evidence as to matters in writing.

Evidence as to matters in writing.

Evidence as to matters in writing.

Which he is giving evidence, was not contained in a document, and if he says that it was, or if he is about to make any statement as to the contents of any document, which, in the opinion of the Court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitle the party who called the witness to give secondary evidence of it.

Explanation.—A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

Illustration

The question is, whether A assaulted B.

C deposes that he heard A say to D-'B wrote a letter accusing me of theft, and I will be revenged on him.' This statement is relevant, as showing A's motive for the assault, and evidence may be given of it, though no other evidence is given about the letter.

Cross-examination as to previous statements made by him in writing or reduced into writing.

Such writing being shown to him, or being proved; but if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

Questions lawful in cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which

(1) to test his veracity;

- (2) to discover who he is and what is his position in life, or
- (3) to shake his credit, by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him, or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.
- 147. If any such question relates to a matter When witness to be relevant to the suit or proceeding, the provisions of section one hundred and thirty-two shall apply thereto.
- 148. If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be com-

pelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations:—

- (1). Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies.
- (2). Such questions are improper if the imputation which they convey relates to matters so remote in time, or of such a character, that the truth of the imputation would not affect, or would affect in a slight degree, the opinion of the Court as to the credibility of the witness on the matter to which he testifies.
- (3). Such questions are improper if there is a great disproportion between the importance of the imputation made against the witness's character and the importance of his evidence.
- (4). The Court may, if it sees fit, draw, from the witnesses' refusal to answer, the inference that the answer if given would be unfavourable.
- 149. No such question as is referred to in Question not to be asked without reasonable grounds.

 Section one hundred and forty-eight ought to be asked, unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

Illustrations.

- (a.) A barrister is instructed by an attorney or vakil that an important witness is a dacoit. This is a reasonable ground for asking the witness whether he is a dacoit.
- (b.) A pleader is informed by a person in Court that an important witness is a ducoit. The informant on being questioned by the pleader gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a ducoit.
- (c.) A witness, of whom nothing whatever is known, is asked at random whether he is a ducoit. There are here no reasonable grounds for the question.
- (d.) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living, gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a dacoit.
- Procedure of Court in question was asked without reasonable grounds, it may, if it was asked by any barrister, pleader, vakil or attorney, report the circumstances.

ney, report the circumstances of the case to the High-Court or other authority to which such barrister, pleader, vakil or attorney is subject in the exercise of his profession.

Indecent and scandalous questions.

Indecent and scandalous questions.

Indecent or scandalous, although such questions or inquiries may have some bearing on the questions
before the Court, unless they relate to facts in
issue, or to matters necessary to be known in
order to determine whether or not the facts in
issue existed.

Questions intended to insult or annoy.

Questions intended to insult or annoy.

which appears to it to be in tended to insult or annoy.

which, though proper in teelf, appears to the Court needlessly offensive in form.

Reclusion of evidence to contradict answers to questions testing veracity.

his character, no evidence shall be given to contradict him; but if he answers falsely, he may afterwards be charged with giving false evidence.

Exception 1.—If a witness is asked whether he has been previously convicted of any orime and denies it, evidence may be given of his previous conviction.

Exception 2.—If a witness is asked any question tending to impeach his impartiality and answers it by denying the facts suggested, he may be contradicted.

Illustrations.

(a.) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim. The evidence is inadmissible.

(h.) A witness is asked whether he was not dismissed from a situation for dishonesty. Ho denies it.

Evidence is offered to show that he was dismissed for dis-

The evidence is not admissible.

(c.) A affirms that on a certain day he saw B at Lathore.

A is asked whether he himself was not on that day at Calcutta. He denies it.

Evidence is offered to show that A was on that day at Cal-

The evidence is admissible, not as contradicting A on a fact which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in Labore.

In each of those cases the witness might, if his denial was false, be charged with giving false evidence.

(d.) A is asked whether his family has not had a blood fend with the family of B against whom he gives evidence.

He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

- Question by party to his own witness.

 Question by party to his own witness.

 Question by party to put any questions to him which might be put in cross-examination by the adverse party.
- Impenching credit of a witness may be impeached in the following ways by the adverse party, or, with the consent of the Court, by the party who calls him:—
- (1.) By the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit;
- (2.) By proof that the witness has been bribed or has had the offer of a bribe, or has received any other corrupt inducement to give his evidence;
- (8.) By proof of former statements inconsistent with any part of his evidence which is liable to be contradicted;

(4.) When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prossecutrix was of generally immoral character.

Explanation.—A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reasons for his belief, but he may be asked his reasons in cross-examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

Illustrations.

(a.) A sucs B for the price of goods sold and delivered to B. C says that he delivered the goods to B.

Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods to B.

The evidence is admissible.

(b.) A is indicted for the murder of B.

C says that B, when dying, declared that $\bf A$ had given B the wound of which he died.

Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence.

The evidence is admissible.

Questions tending to corroborate gives evidence of corroborate evidence of relevant fact, admissible. questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, if the Court is of opinion that such circumstances, if proved, would corroborate the testimony of the witness as to the relevant fact which he testifies.

Illustration.

A, an accomplice, gives an account of a robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

Former statements of witness may be proved to corroborate later testimony as to same fact.

fact took place, or before any authority legally competent to investigate the fact, may be proved.

158. Whenever any statement, relevant under section thirty-two or

What matters may be proved in connection with proved statement relevant under section 32 or 33.

der section thirty-two or thirty-three, is proved, all matters may be proved, either in order to contradict or to corroborate it, or in order to impeach or confirm

the credit of the person by whom it was made, which might have been proved if that person had been called as a witness and had denied upon cross-examination the truth of the matter suggested.

159. A witness may, while under examination.

Refreshing memory.

Trefresh his memory by referring to any writing made by himself at the time of the transaction concerning

which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

The witness may also refer to any such writing made by any other person, and read by the witness within the time aforesaid, if when he read it he knew it to be correct.

When witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document: Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

An expert may refresh his memory by reference to professional treaties.

Testimony to facts tioned in any such document as is mentioned in section 159.

although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

Illustration.

A book-keeper may testify to facts recorded by him in books regularly kept in the course of business, if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

Right of adverse party as to writing used to refresh memory.

Buth party may, if he pleases, cross-examine the witness thereupon.

Production of documents.

Production of documents.

Production of documents session or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

The Court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

Translation of documents.

Translation of documents.

Translation of documents.

Translation of documents.

any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence: and if the interpreter disobeys such direction, he shall be held to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

163. When a party calls for a document which fiving as evidence of he has given the other party document called for and notice to produce, and such document is produced and inspected by the party calling for its production, he

is bound to give it as evidence if the party pro. ducing it requires him to do so.

Giving as evidence of domment production of which was refused on notice.

The domment production of which was refused on notice.

The domment which he has had notice to produce, he cannot afterwards use the document as evidence without the consent of the other party or the order of the Court.

Illustration.

A sucs B on an agreement and gives B notice to produce it. At the trial, A calls for the document and B refuses to produce it. A gives secondary evidence of its contents. B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

Judge's power to put questions or order production.

The Judge may, in order to discover or to obtain proper proof of relevant facts, ask any question he pleases, in any form, at any time, of any witness, or of

the parties, about any fact relevant or irrelevant; and may order the production of any document or thing; and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

Provided that the judgment must be based upon facts declared by this Act to be relevant, and duly proved.

Provided also that this section shall not authorise any Judge to compel any witness to answer any question, or to produce any document which such witness would be entitled to refuse to answer or produce under sections one hundred and twenty-one to one hundred and thirty-one both inclusive, if the question were asked or the document were called for by the adverse party; nor shall the Judge ask any question which it would be improper for any other person to ask under sections one hundred and forty-eight or one hundred and forty-nine; nor shall be dispense with primary evidence of any document, except in the cases hereinbefore excepted.

Power of jury or assessors may put any questions to the witnesses, through or by leave of the Judge, which the Judge himself might put and which he considers proper.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

No new trial for rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court, before which such objection is raised, that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision, or that, if the rejected evidence had been received, it ought not to have varied the decision.

	SCHEDULE.		SCHEDULE -continued.						
Number and year.	Тітьк.	Extent of repeal.	Number and year.	TITLE.	Extent of repeal.				
Stat. 26 Geo. 111, c. 57.	For the further regula- tion of the trial of per- sons accused of certain offences committed in the East Indies; for re- pealing so much of an Act, made in the twen- ty-fourth year of the	Section thirty- eight so far as it. relates to Courts of Jus- tice in the East Indies.	Stat. 14 & 15 Vic. c. 99.	To amend the Law of Evidence.	Section eleven and so much of sec- tion nineteen as relates to British India.				
	reign of his present Majesty (intituled, An Act for the better regulation and manage- ment of the uffairs of		Act XV of 1852	To amend the Law of Evidence.	So much as has not been hereto- fore repealed.				
	the East India Coup- pany, and of the Bri- tish possessions in In- dia, and for establish- ing a court of judica- ture for the more speedy and effectual trial of persons accused of		Act XIX of 1853	To amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.	Section nineteon.				
	offences committed in the East Indies), as re- quires the servants of the East India Com- pany to deliver inven-		fences committed in the East Indies), as re- tires the servants of the East India Com-		For the further improve- ment of the law of Evidence.	So much as han not been hereto- fore repualed.			
	and effects; for ren- dering the laws more effectual against per- sons unlawfully resort- ing to the East Indies; and for the more easy proof, in certain cases, of deeds and writings		Act XXV of 1861	For simplifying the Pro- cedure of the Courts of Criminal Judicature not established by Roy- al Charter.	Section two hun- dred and thirty- seven.				
	executed in Great Bri- tain or India.		Act I of 1868	The General Clauses Act, 1868.	Sections seven and				

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Gent. for making Laws and Regulations.

THE following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th February 1872, and was referred to a Select Committee with instructions to make their report thereon in a month.

No. 2 or 1872.

A Bill to provide for the Extradition of Criminals and for the trial of offences in Native States.

Whereas various Courts have been established by the Governor General in Council beyond the limits of British India for the trial of offences committed by British subjects beyond such limits; and whereas it is expedient to consolidate and amend the law relating to such Courts, and to offences committed by British subjects, beyond the limits of British India, and to the extradition of criminals; It is enacted as follows:—

Short title.

1. This Act may be called "The Native Courts and Extradition Act, 1872":

Local artent

It extends to the whole of British India;

to all Native Indian subjects of Her Majesty without and beyond the Indian territories under the dominion of Her Majesty; and

to all European British subjects within the dominions of Princes and States in India in alliance with Her Majesty;

Commencement.

And it shall come into force on the passing thereof.

2. The enactments mentioned in the first schedule hereto annexed are repealed to the extent specified in the third column thereof.

"Political Agent" defined.

3. In this Act the expression 'Political Agent' means and includes—

- (1.) the principal officer representing the British Government in any Native State;
- (2.) any officer in British territory appointed by the Governor General in Council to act as Political Agent for any place not forming part of the British territory.
- 'Native State' means, in reference to Native
 Indian subjects of Her
 Majesty, all States without
 and beyond the Indian territories under the
 dominion of Her Majesty; and, in reference to

European British subjects, it means the dominions of Princes and States in India in alliance with Her Majesty.

COURTS IN NATIVE STATES.

4. The Governor, General in Council may establish Courts of Justice with criminal jurisdiction for the trial of offences committed in Native for the trial of offences committed by Native Indian subjects of Her Majesty in the territories of Native States and Princes in and adjacent to British India.

Notification of establishment of such Courts.

5. The establishment of such Courts shall be notified in the Gazette.

The notification shall state:

- (1.) What powers the Court is to have.
- (2.) What is to be the course of commitment, and of appeal and revision to which the proceedings and judgments of such Courts are to be subject; and whether such Courts are in any, and, if so, in what, cases to report their proceedings to the Governor General in Council or to the Local Government for final orders.
- (3.) What is to be the local area of the Court's jurisdiction within which they are to exercise the powers hereinafter described.

Every such notification shall have the force of law.

Appointment, powers and jurisdiction of Justice of the Peace, and every such Justice of the Peace shall have all the powers conferred on Justices of the Peace by any law in force for the time being in British India. The Governor General in Council may direct to what Court having jurisdiction over European British subjects any such Justice of the Peace is to commit for trial.

7. All Courts heretofore established, and all
Justices of the Peace
Confirmation of existing Courts and Justices.

Governor General in Council in any such Foreign State as aforesaid, shall
be deemed to be and to have been established and
appointed, and to have had jurisdiction under the
provisions of this Act.

8. The law relating to crimes and to criminal Extension of Criminal India for the time being, States.

Ritish subjects in Native States.

States, in the territories of Native States and Princes in and adjacent to British India.

Jurisdiction of Courts hereinbefore referred to shall have the same jurisdiction to inquire into, try and determine all charges against British subjects, European or Native, charged with any offence against such laws, as Courts with the same powers would have in British India, subject to such rules as may be contained in the notification by which they are established or in any orders heretofore issued by the Governor General in Council.

INQUIRIES IN BRITISH INDIA INTO CRIMES COMMIT-TED BY BRITISH SUBJECTS IN NATIVE STATES,

10. All British subjects, European and Native, in the British territories, may be dealt with in respect of offences committed by them in Native States as if such offences had been committed in any place within the British territories in which any such subject may be or may be found.

Provided that no charge as to any such offence shall be enquired into unless the Political Agent for the territory in which the offence is said to have been committed certifies that, in his opinion, the charge is one which ought to be enquired into.

Proceedings for compelling appearance of such officers in British territory for compelling the appearance of such persons before the British officers having jurisdiction.

jurisdiction in the Native territory in which the alleged offences were committed as might be had in British territory for compelling the appearance in one district of a person charged with committing an offence in another district:

Provided that any proceedings taken against any person under section ten which would be a bar to subsequent proceedings against such person for the same offence, if the offence had been committed in British territory, shall be a bar against further proceedings against him in respect of the same offence in Native territory under this section:

Provided, also, that the Political Agent may give over any such person being a Native Indian subject of Her Majesty to be tried by the ordinary Courts of the territory in which the offence was committed, if he is generally or specially directed to do so by the Governor General ic Council, or by the Governors in Council of Madras and Bombay respectively.

12. Whenever any such offence as is referred to in section ten is being inPower to direct copies of depositions and exhibits to be received in evidence.

Government may, if it thinks fit, direct that copies of depositions taken or exhibits produced in a State in which such offence is alleged to have been committed, or exhibits filed before a competent judicial officer of such State, shall be received as evidence by the Court holding such inquiry or trial, as though made or produced before such Court.

EXTRADITION.

Arrest and removal of offenders in Foreign States not being British subjects escaping into British territory.

and such person escapes into, or is in British territory, the Political Agent may issue a warrant for his arrest and delivery at a place in such State, and to an officer of such State to be named in the warrant,

if he thinks that the charge is one which ought to be enquired into,

and if the act said to have been done would, if done in British India, have constituted an offence against any of the sections of the Indian Penal Code mentioned in the second schedule hereto,

or under any other section which may, from time to time, he specified by the Governor General in Council by a notification in the Gazette.

The warrant may be directed to the Magistrate of any district in which the accused person is believed to be, and shall be executed in the manner provided in the Code of Criminal Proceedure; and the accused person, when arrested shall be forwarded to the place and officer named in the warrant.

Power to make rules.

14. The Governor General in Council may make, and may from time to time alter, rules to provide for—

- (1) the confinement, dict and prison discipline of British subjects. European or Native, imprisoned by Political Agents under this Act;
- (2) the removal of accused persons under this Act, and their control and maintenance until such time as they are handed over to the authorities of the State in which the offence is alleged to have been committed;
- (3) and generally to carry out the purposes of this Act.

SCHEDULE I.

Number and your.	Title.	Extent of repeal.
28 Geo. III, C. 57.	An Act for the further Regulation of the trial of persons accused of certain offences committed in the East Indies; for repealing a much of an Act made in the twenty fourth year of the reign of his present Majesty (intituled "An Act for the better Regulation and Management of the Affairs of the East India ompany, and of the British- Possessions in India, and for establish-	Section 29
	ing a Court of Judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indica"), as requires the Servants of the East India Company to deliver Inventories of their Estates and Effects; for rendering the Laws more effectual against present unlawfully resorting to the East Indica; and for the more case proof, in certain cases, of Deads and Writings executed in Great Britain or India	
33 Geo. III, C. 52	An Act for continuing in the East India tompany, for a further term, the possession of the British Territories in India, together with their exclusive Trade, under certain limitations; for establishing further Regulations for the government of the said Pertitories and the laster Administration of Justice within the same; for appropriating to certain uses the Revenues and Profits of the said Company; and for making provision for the good order and government of the Towns of Calcutta,	Section 67.
let I of 1840	An Act to provide more effectually for the punishment of offences committed	The whole.
et VII of	in Foreign States. An Act for the apprehension within the territories under the Government of the East Indi. Company, of persons charged with the commission of heavons offences bovend the limits of the said territories, and for desivering them up to justice, and to provide for the oxecution of warrants in places	So much a is unrepeal ed.

SCHEDULE II.

Sections OF THE INDIAN PENAL CODE REFERRED
TO IN SECTION 12.

Sections 230 to 263, both inclusive; sections 299 to 304, both inclusive; sections 307, 310 and 311; sections 312 to 317, both inclusive; sections 323 to 333, both inclusive; sections 347 and 348; sections 360 to 373, both inclusive; sections 375 to 377, both inclusive, sections 378 to 414, both inclusive; sections 435 to 440, both inclusive; sections 443 to 446, both inclusive; sections 464 to 468, both inclusive; sections 471 to 477, both inclusive.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to throw the existing law as to offences committed in foreign territory into a more compact and convenient form; to provide in a distinct manner for the establishment of Courts in Native States for the trial of British subjects; and to lay down the conditions under which Extradition can be enforced.

J. F. STEPHEN.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

THE following Bill was introduced into the Conneil of the Governor General of India for the purpose of making Laws and Regulations on the 28th February 1872, and was referred to a Select Committee with instructions to make their report thereon in a month:—

No. 3 or 1872.

A Bill to amend Act XXIV of 1867.

WHEREAS it is expedient to amend Act XXIV of 1867; It is hereby enacted as follows:—

Amendment of section 3 of Act XXIV of 1867, after the words "Presidency of Bengal includes the territories which are or shall for the time being be respectively under the Governments of the Lieutenant-Governors of Bengal, the North-Western Provinces and the Punjab, and under the administrations of the Chief Commissioners of Oudh, the Central Provinces, and British Burmah;" the following shall be read:—

"and such other places within the territories of Native States and Princes in alliance with Her Majesty as shall be from time to time declared by the Governor General in Council by notification in the Gazette to form part of the Presidency of Bengal."

Amendment of section 52 of the said Act, the following shall be read:—

"Explanation.—When an Administrator General, representing or having taken out letters of administration to an estate, pays, sets aside in account, or otherwise deals with any of assets of such estate, at the request of an Executor or Administrator of such estate not in British ludio.

or, having declared a dividend or payment in full of the debts due by any estate which he represents, sets aside the funds to meet such

dividend or payment in full on account of the creditors,

or, after payment of the debts due by any such estate, sets aside any of the assets of such estate to the account of a person entitled to a share in or legacy payable out of such estate,

there shall be and shall be deemed to have been a 'distribution' of the assets so paid, set aside or dealt with, within the meaning of this section, and of section 27 of Act VIII of 1855."

Act to be read as part of Act XXIV of 1867.

3. This Act shall be read as part of the said Act XXIV of 1867.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to enable the Governor General in Council to extend the Administrator General's Act, 1867, to places in Native Indian States in which, owing to the existence of a considerable European community, it is desirable that the Administrator General should be able to act. This has been done by providing that the "Presidency of Bengal" shall, for the purpose of the Act, include such places in Native States as the Governor General shall, by notification in the Gazette, declare to belong to it.

The occasion has also been taken to clear up some uncertainty which at present exists as to the meaning of the word "distribution" in section 52.

J. F. STEPHEN.

The 7th February 1872.

H. S. CONNINGHAM,
Offg. Secy. to the Council of the
Govr. Genl. for making Laws
and Regulations.

Cobernment of Bengal.

LEGISLATIVE DEPARTMENT.

THE following Act of the Lieutenant Governor of Bengal in Council received the assent of His Honor on the 1st February 1872, and having been assented to by His Excellency the Governor General on the 7th March 1872, is hereby promulgated for general information:—

ACT No. I of 1872.

An Act to extend the borrowing powers of the Justices of the Peace for the Town of Calcutta, and to provide for the repayment of municipal debt.

Whereas it is expedient to increase the amount which the Justices are authorized to borrow, by way of debentures or otherwise, under the provisions of Section 9 of Act IX of 1867, passed by the Lieutenant-Governor of Bengal in Council, and whereas it is expedient to provide for the repayment of municipal debentures and loans; It is hereby enacted as follows:—

1. In the said section, for the words "sum of fifty-five lakhs of rupees," wherever such words occur, shall be substituted the words "sum of eighty-five lakhs of rupees;" and the said section shall be hereafter read and construed as if the words hereby directed to be substituted were inserted in place of the words for which they are hereby directed to be substituted.

Borrowing powers thereafter to cease.

Borrowing powers thereafter to cease.

Justices by way of debenture or otherwise, exclusive
of any sums now due by them to the Secretary of
State for India in Council, shall amount to the
said sum of eighty-five lakhs of rupees, the borrowing powers of the Justices shall thereupon cease
and determine, save so far as they are hereinafter
expressly reserved.

3. The Justices shall be bound to set aside yearly out of their annual income, before making any Establishment of reserve disbursements in respect thereof, a sum of not less than two per cent. on the total sum borrowed by the Justices, exclusive of the sum now due by them to the Secretary of State for India in Council, and shall appropriate the same, so far as it is required or will extend, to repay the amount (if any) of such loans or debentures issued by them as shall fall due in the course of the year. And they shall invest the course of the year. And they shall invest the surplus (if any) of the said sum after repayment as aforesaid; or in case there has not been any amount due or paid in respect of such loans or debentures during the year, then they shall invest the whole of the said sum; in Government securities or in any securities guaranteed by Government or in Calcutta Municipal debentures in the names of the Secretary to the Government of Bengal in the Revenue Department and the Accountant-General of the Government of Bengal, respectively for the time being, to be by them held as Trustees for the purpose of repaying at due date from time to time the several loans contracted or debentures issued by the Justices. And all moneys and securities now held by any Trustees appointed by the said Justices for the purpose of paying off any portion of the said fifty-five lakhs shall be forthwith transferred to the Trustees under this Act, and invested in their names and held by them upon the trusts hereinbefore declared. All interest accruing due to the Trustees shall also from time to time be invested by them in like manner and held upon the like trust.

Appropriation of reserve time to time, whenever any loans or debentures shall fall due by the Justices, to realize the whole or a sufficient portion of the securities held by them as aforesaid, and appropriate the sale proceeds thereof, so tar as the same will extend, to satisfy such loans or debentures. In case any balance in respect of such loans or debentures so falling due as aforesaid shall remain unsatisfied after appropriation thereto of the sale proceeds of the whole of such securities, then the Justices may, for the purpose of paying such unsatisfied balance, issue new debentures in manner as is provided by Act VI of 1863, passed by the Lieutenant-Governor of Bengal in Council, section 93, clause 3, or otherwise contract new loans for any sum not exceeding such amount as may be necessary for the purpose aforesaid.

5. The Trustees shall at the end of every year submit a statement to the Justices showing the amount which has been invested during the year under the third section of this Act, and setting forth the date of the last investment made previous thereto, and also the aggregate

amount of the securities then in their hands, and the aggregate amount which has up to the date thereof been paid off in respect of the said debentures and loans. Such statement shall be laid before the Justices and published in the Calcutta Gazette.

6. This Act shall be read with and as part of Act VI of 1863, passed by the Lieutenant-Governor of Bengal in Council, and of the said Act IX of 1867.

HERBERT COWELL,

Acst. Secy. to the Govt. of Bengal.

Legislative Department.

THE following Act of the Lieutenant Governor of Bengal in Council received the assent of His Honor on the 13th February 1872, and having been assented to by His Excellency the Governor General on the 12th March 1872, is hereby promulgated for general information:—

ACT No. II of 1872.

An Act to amend the law for the registration of Jute Warehouses and to provide for the establishment of an efficient Fire-brigade.

Whereas it is expedient to amend so much of

Act VI of 1866, passed by
the Lieutenant-Governor of
Bengal in Council, as provides for the registering
and licensing of jute warehouses; and whereas it
is expedient to provide for the organization and
maintenance of a Fire-brigade; It is hereby enacted
as follows:—

PART I.

PRELIMINARY.

1. This Act may be called "The Jute Warehouse and Fire-brigade Act, 1872."

It extends to the whole of the town of Calcutta, and to such portions of the Suburbs thereof as are for the time being subject to the operation of Act II of 1866, passed by the Lieutenant-Governor of Bengal in Council, and also to the Municipality of Howrah. And it shall commence and take effect, except in the Municipality of Howrah, immediately upon the passing thereof. In the said Municipality it shall commence and take effect from such date as the Lieutenant-Governor may direct by notification published in the Calcutta Gazette.

2. The words mentioned in this section shall Interpretation. for the purposes of this Act have the meanings herein assigned to them, except when from the context a contrary intention appears.

"Jute" and "Cotton" mean respectively

"Jute" and "Cotton" which
bave not been pressed or
corrected as if for shipment.

"Person." "Person" includes a firm
and a Hindu undivided family.

"Insurance Company." means any Associa"Insurance Company." tion or person who may carry on the business of fire insurance, whether such Association be incorporated or not, and the agent or agents of such Association or person.

"Magistrate" includes a Justice of the Peace "Magistrate." for Calcutta, and any person exercising all or any of the powers of a Magistrate.

"Jute Warehouse" means any warehouse, store, depôt, yard, godown or other place used for the storing, keeping, pressing or depositing of jute or cotton or other substance for the time being subject to the operation of this Act.

3. From and after the 31st July next after the passing of this Act, sections 38, 39, 40, and 41, of Act VI of 1866, passed by the Lieutenaut-Governor of Bengal in Council, are hereby repealed, but such repeal shall not affect any registration made, or any act or offence done or committed, or any penalty or liability incurred under the said sections.

PART II.

JUTE WAREHOUSES.

4. No jute warehouse, existing at the date of the commencement of this Rxisting warehouses not to be used till licensed. Act within the limits of its operation, shall be used after the 31st July next following such date for the storing, keeping, pressing, or depositing of jute or cotton, unless the owner or occupier thereof shall have previously obtained a license under this Act for such use.

5. As soon as may be after the passing of this Existing warehouses to be inspected and reported on.

Committee, consisting of seven members, one of whom must be the Chairman of the Justices, whose duty it shall be to visit, inspect, and report on every jute warehouse existing within the town of Calcutta. And the special committee shall report before the 15th day of the said month of July to the Justices whether a license can be granted to all or any such warehouses without risk to life and property in the neighbourhood thereof respectively. No jute warehouse shall be reported upon by the special committee until it shall have been visited by a quorum of not less than three members of the special committee. The Justices at a special meeting may award such fee as they may think fit to each member of the special committee, not being a salaried member of the corporation of Justices.

Licenses for existing it shall be within the discretion of the Justices at a special meeting to grant or refuse a license for any jute warehouse mentioned in the said report. Provided that if in the opinion of the Justices the said jute warehouse may be rendered fit for use without risk to life or property in the neighbourhood thereof the Justices shall certify to the owner and occupier thereof the conditions and restrictions under which the said jute warehouse may in their opinion be so rendered fit for use, and upon the said owner or occupier complying with the terms of such conditions and restrictions to the satisfaction of the Justices at a special meeting they shall grant to him a license in respect thereof. Every license granted under this section shall be subject to the payment of an annual fee to be imposed and

paid in manner as in the next succeeding section is directed, and to such other of the conditions mentioned therein as the Justices may think fit.

Licenses for new warehouses.

Licenses for new warehouses.

Licenses for new warehouses.

Licenses for new warehouses.

to the Justices a plan of
the warehouse so proposed to be established, and
it shall be within the discretion of the Justices
at a special meeting to grant or refuse a license
to establish the same.

Every license for a jute warehouse granted under this section shall be subject to the following conditions, viz.:—

- (1.) That no loose jute, jute rejections or cuttings, or cotton, shall be stored or screwed, or pressed or combed or dried, save within a building, the walls of which shall be of burnt bricks or of stone or of iron, and all the roof of which, including the beams on which such roof rests, shall be of iron, or of masonry or of tiles;
- (2.) That such jute warehouse and the buildings therein shall be supplied with solid doors or gates which can be securely closed;
- (3.) That no portion of such jute warehouse shall be used as a residence, and no artificial light or luciter matches shall be introduced therein, and that no person shall smoke therein;
- (4.) That such jute warehouse shall be at any time open to inspection;
- (5.) That the engines and furnaces used in such jute warehouse shall be placed as may be considered necessary for safety by the Justices;
- (6.) That an annual fee, as the Justices at a special meeting may think fit, shall be imposed in respect thereof at one of the following rates, viz.:—

Rupees		1,000
33	4 4 4	750
"	* * *	500
27		250

and shall be paid in such instalments as the Justices may direct.

In fixing the amount of fee to be paid in respect of any jute warehouse, the Justices at such special meeting shall have regard to the annual value thereof as it is for the time being assessed to the payment of municipal taxes, to the size and position of the jute warehouse, to the number and excellence of the pressing machines erected in such jute warehouse, and to the probable income derived from such jute warehouse by its occupier or owner.

- (7.) Such other special conditions as the Justices may, on consideration of the special circumstances of such jute warehouse, deem necessary to prevent risk to life and property in the neighbourhood.
- Appointment of inspecting officers for the inspection of jute warehouses within the town of Calcutta; and it shall be lawful for any officer so appointed, and for any superintendent or inspector of police within the said town, to enter at any time into any jute warehouse, where jute or cotton may be kept, and to inspect the same.

- 9. It shall be in the discretion of the Justices
 at a special meeting to cancel,
 or to suspend for such time
 as they shall think fit, the
 license of any jute warehouse in respect of which
 any one or more of the conditions under which such
 license has been granted shall appear to them to
 have been broken.
- Municipal Commissioners to have the same established or used out of the town of Calcutta and within the limits of the operation of this Act, the powers and duties conferred and imposed by this Part, and by every section thereof upon the Justices, or the Justices at a special meeting, shall be exercised and discharged by the Municipal Commissioners, or the Municipal Commissioners at a meeting respectively within whose jurisdiction such jute warehouse is situated. The annual fee in respect of any license for a jute warehouse granted by the said Municipal Commissioners may be at the rate of Rs. 150, or at any one of the rates mentioned in section 7, clause 6.

Penalties.

Penalty for not taking of the said July without a license under this Act use any jute warehouse, for keeping or depositing jute or cotton, shall be liable, on conviction before a Magistrate, to a penalty not exceeding one hundred rupees for each day during which he may use or continue to use such jute warehouse as aforesaid.

- Penalty for establishing warehouse without license.

 Penalty for establishing warehouse without license.

 Penalty for establishing warehouse without license.

 Is any jute warehouse, for keeping or depositing jute or cotton established after the commencement of this Act shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding fifty rupees for every day during which such jute warehouse is used for keeping or depositing jute or cotton without a license.
- Penalty for using warehouse after refusal of the said July use a jute warehouse for the keeping or depositing of jute or cotton after the Justices or Municipal Commissioners shall have refused or cancelled a license in respect thereof, or during the time for which such license shall have been suspended, shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding one hundred rupees for every day during which any such jute warehouse may be so used as aforesaid.
- Penalty for introducing shall introduce or use in any jute warehouse, in which jute or cotton is kept or deposited, any fire or lucifer matches or shall smoke therein, and whoever shall violate any of the conditions or restrictions under which the said license is granted, shall be liable on conviction before a Magistrate to a penalty not arceading fifty rupees for any one such offence.

PART III.

FIRE-BRIGADE.

Organization of fire-brigade. The brigade. The brigade for the town and suburbs of Calcutta.

All existing public fire-engines, with the establishments and buildings thereto belonging, except those belonging to the Military Department or to the Port Commissioners incorporated under Act V of 1870, shall be transferred to the fire-brigade to be established under this Act. The Justices shall have power to appoint and remove any members or officers of the fire-brigade; and they shall furnish the fire-brigade with all such steam or other fire-engines, horses, oxen, accourtements, tools, and implements, as may be necessary for the complete equipment of the force, or conducive to the efficient performance of their duties.

Power to frame Byelaws.

16. The Justices at a special meeting may frame byelaws in respect of the follow-

- (1.) Giving of gratuities to persons who have given notice of fires.
- (2.) Awarding gratuities by way of a gross sum or annual payment to be from time to time awarded to any member of the fire-brigade or other person specially deserving of reward.
- (3.) For the training, discipline, and good conduct of the members of the force; not being members of the Calcutta and Suburban Police Force.
- (4.) For the speedy attendance of such members with engines and all necessary implements on the occasion of any alarm of fire.
- (5.) Imposing and summarily realizing a fine not exceeding one week's wages from any member of the brigade who may infringe these bye-laws.
- (6.) And generally for the maintenance of the fire-brigade in a due state of efficiency.
- 17. On the occasion of a fire, the chief or other officer in charge of the Powers of fire-brigade in cases of fire. fire-brigade on the spot may remove, or may order any member of the brigade to remove any persons whose presence shall interfere with the due operation of the brigade; and generally, he may take any measures which may appear necessary for the preservation of life and property; and he shall have power by himself or by his men to break into or through or pull down any premises for the purpose of putting an end to the fire, doing as little damage as possible; and he may also cause the mains and pipes of any district to be shut off so as to give greater pressure of water in the place where the fire has occurred. He may also call on the officer in charge of the Port Commissioners' fire-engine to render such assistance as may be possible in the case of any fire occurring near the river bank. The chief officer on the spot in charge of the brigade may verbally nominate and depute one or more officers of the brigade to act at a distance, and such officer or officers shall have for the time being the like powers as the chief officer himself possesses under this section.

Police officers of all grades shall be authorized to aid the fire-brigade in the execution of its duties. They may close any street in or near which a fire is burning, and they may, of their own motion or on the request of the chief or other officer of the fire-brigade, remove any persons who interfere by their presence with the operations of the fire brigade.

Any damage done by the fire-brigade in the due execution of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance of property in Calcutta or the suburbs against fire.

But nothing in this section shall exempt any officer of the police or of the fire-brigade from liability to dimages on account of any acts done by him without reasonable cause.

In the case of any fire occurring in Cal
Inquiry into origin of fire.

Inquiry into origin of eutta or the suburbs the chief officer of the firebrigade shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to the Magistrate having jurisdiction in the place in which such fire shall have occurred, and the said Magistrate, in any case where he may see fit, shall summon witnesses and take evidence in order to the further ascertainment of such facts.

LICENSES AND PENALTIES.

- 19. No person shall let off rockets or send up
 License for using fireworks.

 a license from the Commissioner of Police, for
 which license a fee of ten rupees shall be payable.
- 20. No person shall sell or manufacture fireworks in the town or suburbs of Calcutta without a license from the Commissioner of Police, for which a yearly fee of ten Rupees shall be payable in advance.
- 21. Whoever shall let off rockets or send up fire-balloons in the town or suburbs of Calcutta without a license as aforesaid shall be liable on conviction before a Magistrate to a penalty not exceeding fifty rupees for any one such offence.
- 22. Whoever shall sell or manufacture fireworks in the town or suburbs of Calcutta without a license as aforesaid shall be liable on conviction before a Magistrate to a penalty not exceeding fifty rupees.
- 23. The Commissioner may at his discretion, and after thirty days' notice, withdraw withdraw or suspend any license granted by him under this Act.
- 24. In the event of any rockets being let off, or fire-balloons sent up within the precincts of any private premises on compound within the town or suburbs of Calcutta, without the express permission in writing of the Commissioner of Police, the occupier, or owner, or person under whose immediate control the

said premises or compound is, shall be liable to a fine not exceeding fifty rupees, unless he can prove who the person having committed the offence is, and that the offence was committed without his knowledge.

PART IV.

Expenses and Funds.

Application of fundmoneys derived from the fees and penalties levied under this Act within their respective jurisdictions in payment of all expenses incurred by them respectively in or about the inspection and superintendence of jute warehouses, and the granting of licenses in respect thereof. In the case of Calcutta and the suburbs, the balance of such monies after payment of the said expenses shall be paid to the credit of an account in the books of the Justices to be called the fire-brigade account.

26. Every Insurance Company that insures Contribution by Insurthe town and suburbs of Calcutta shall pay annually to the Justices, by way of contribution towards the expenses of the said fire-brigade, a sum at the rate of half a rupee for every ten thousand rupees on the gross amount insured by it in respect of such property. All sums paid to the Justices under this section shall be credited to the firebrigade fund. The said payments shall be made quarterly in advance, on such dates as the Justices may appoint: and arrears on account of these payments shall be realizable as if they were arrears of rates due to the Justices, and all the provisions of Act VI of 1863 (passed by the Lieutenant-Governor of Bengal in Council) and of any Act amending the same shall be applicable so far as the circumstances will permit to the recovery of moneys due under this section.

27. For the purpose of ascertaining the Insurance Companies to amount to be contributed by every such Insurance Companies to Insurance Company insuring property from fire within the town and suburbs of Calcutta shall, on the 30th day of June 1872, and on every succeeding 30th day of June, or on such other days as the Justices may appoint, make a return to the said Justices, in such form as they may require, of the gross amount insured by it in respect of property within the said town and suburbs. At the foot of every such return shall be appended a certificate by the Secretary or chief officer or manager of such Insurance Company in Calcutta, stating that to the best of his knowledge and belief the return contains a true and faithful account of the sums insured by the Company to which he belongs in respect of such property. Such Secretary or chief officer or manager shall allow either the Chairman or the Vice-Chairman or the Secretary to the Justices to inspect at any time during the hours of business any books and papers that will enable him to ascertain the correctness of the return; and every Secretary or chief officer or manager as aforesaid failing to comply with the requisition of this section in respect of such inspection shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty

rupees for each offence. The Justices on receiving the report of such inspection may alter the return accordingly.

The return made in the June of one year, or such return as altered on inspection by the Justices, shall be the basis of the contributions for the year beginning on the first day of January next succeeding.

Penalty for not making a return.

Penalty for not making a return.

Penalty for not making a return.

Justices as are required by this Act, the said Company or Secretary or chief officer or manager thereof shall be liable to a penalty not exceeding fifty rupees for every day during which it is so in default.

29. The cost of all establishments and plant Proportions of contribu-tion towards payment of expenses of fire-brigade.

Part III of this Act. paid from the fire-brigade fund. The full amount of such charges over and above the moneys which may accrue to the fire-brigade fund under sections 25 and 26 of this Act, shall be contributed by the Justices, and by the Commissioners of the suburbs, in the following proportions, namely,by the Justices, seven-tenths; by the said Commissioners, three-tenths. At the end of each quarter of a year, the Justices shall certify to the said Commissioners the total cost of the fire-brigade for such year, the money which may have accrued under sections 25 and 26 of this Act, and the precise sum which must be paid by each body charged with the cost of the Calcutta fire-brigade under this Act. On the receipt of such certificate, the said Commissioners shall pay the sum certified against them by the Justices: provided that in no case shall the three-tenths payable by the said Commissioners in any year after the first year of the establishment of the fire-brigade exceed the sum of ten thousand

PART V.

MISCELLANEOUS.

Jieutenant-Governor may declare the warshousing of any other substance to be anbject to Act.

Or any commodity which is stored or deposited in warehouses besides jute or cotton shall be warehoused and kept subject to the provisions of Part II of this Act. When such declaration shall have been made in the Calcutta Gazette, this Act shall be read as if the name or names of the said fibre or commodity had been printed in addition to the words "jute" or "cotton" in the several sections of Part II wherein the said words "jute" or "cotton" may occur.

S1. The Justices and Municipal Commissions of seports as soon as conveniently may be after the S1st July next, showing how the provisions of this Act have been carried out, and appealing the jute warehouses in respect of statical inconses have been granted. Spoth reports that he forthwith published in the Colonte Greek.

thereafter the Justices and Municipal Commis-sioners shall make a like report once a year at such time as the Lieutenant-Governor shall direct.

32. Any person committing any offence in respect of which a penalty Power to arrest. is provided by section 14 or section 24 of this Act may, if his name and address be unknown, be arrested by any officer to he by the Justices or the Municipal Commissioners within their respective jurisdictions thereunto appointed, and by such officer or any person by him thereunto authorized, or by any officer of police, forthwith conveyed before some Magistrate having jurisdiction in the place in which such offence shall have been committed, or shall be taken to the nearest police station within the said jurisdiction in order that such person may be detained until he can be brought before a Magistrate, or until he shall enter into recognizance with or without sureties, for his appearance before a Magistrate.

33. Whenever such person shall be taken to a Offenders to be brought police station, the officer in as soon as conveniently may be, cause him to be conveyed before some Magistrate having jurisdiction in the matter.

34. Whenever any person shall be charged with the commission of any Summary jurisdiction. offence under this Act before a Magistrate, such Magistrate may forthwith hear and summarily determine the charge of such offence. Any thing made punishable by this Act shall be deemed to be an offence within the meaning of the Indian Penal Code, and without the limits of the town of Calcutta, shall be dealt with, save as herein otherwise provided, under the provisions of chapter XV of the Code of Criminal

35. This Act so far as it relates to the town of Calcutta shall be read the said Act VI of 1863, and the subsequent Acts Construction of Act. amending the same; and so far as it relates to the suburbs of Calcutta, or to the Municipality of Howrah, it shall be read with and taken as part of Act III of 1864, passed by the Lieutenant-Governor of Bengal in Council, and of the subsequent Acts amending the same.

> HERBET COWELL, Asst. Secy. to the Govt. of Bengal, Legislative Department.

THE following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 20th January 1872, and was referred to a Select Committee who are to report thereon after the 24th Pebruary next

THE BENGAL MUNICIPALITIES BILL, 1872.

ARRESTMENT OF PARTS.

1.7

PART II MUNICIPAL AUTHORITIES	~
	Sections.
Chapter 1, Municipal Commissioners	8-15
Chapter 2, Property and Con-	
tracts of the Commissioners	18-20
Chapter 3. Their mode of trans-	
acting business	21-25
Chapter 4. Ward Committees	26-28
Chapter 5, General provisions	. 29, 30
PART IIIMUNICIPAL TAXATION-	
Chapter 1, Power of the Com-	
missioners to impose taxes	
duties, and tolls	. 31
Chapter 2, Taxes on persons	32-46
Chapter 3, Taxes on houses Chapter 4, Taxes on carriage	47-57
l and mhachad makidan	E0 00
Chapter 5, Taxes on trades and	
a allim ma	PO 22
Chapter 6, Taxes on process	
sions, &c	
Chapter 7, Duties on articles	
Chapter 8, Tolls	00 00
•	
PART IV MODE OF RECOVERY OF MUNI	-
CIPAL TAXES	99-110
PART V.—MUNICIPAL FUND AND ITS APPLI	
CATION	. 111-123
PART VIREGISTRATION OF BIRTHS AND	D
Deaths	124-130
PART VIIMUNICIPAL POLICE	. 131-136
PART VIII.—INTERVENTION BY THE GOVERN	
MENT	. 137-139
D IN M. D.	
PART IX.—MUNICIPAL REGULATIONS—	
Chapter 1, Duties of Commis	-
	140-152
Chapter 2, Penalties .	153-161
Chapter 3, Conservancy Worl	cs 162-167
Chapter 4, Obstructions in th	
	168-179
Chapter 5. Regulation of cer	
tain offensive trades and	
burial and burning grounds. Chapter 6, Vaccination and in	
	183-186
	444-100
PART XMUNICIPAL MARKETS	187-199
PART XIJURISDICTION OF COMMISSIONES	
IN MUNICIPAL AND OTHER CASE	200 201
IN BLUNICIPAL AND OTHER CAS.	no account
PART XII THIRD CLASS MUNICIPALITIES	202-222
PART XIII.—MISCELLANEOUS	223-244

A Bill to amend and consolidate the law relating to Municipalities.

Whereas it is expedient to amend and consolidate the law relating to Municipalities within the territories subject to the government of the Lieutenant-Governor of Bengal, and to make better provision for the self-government of towns and places within the said territories, for the maintenance of police, for the con-servancy and improvement of such towns and places, for the diffusion of education therein, and for other objects of utility calculated to promote the health, comfort, or convenience of the inhabitanta of the said towns; It is enacted as follows:

1. This Act may be cited as the "Bengal Municipalities Act, 1872."

PART I .- PRELIMINARY.

Divisions of Act.

2. This Act shall be divided into thirteen several heads or parts:—

the first relating to preliminary matters;

the second relating to muvicipal authorities;

the third relating to municipal taxation;

the fourth relating to the mode of recovery of municipal taxes;

the fifth relating to the municipal fund and its application.

the sirth relating to the registration of births and deaths;

the seventh relating to the municipal police;

the eighth relating to the intervention by Government in municipal affairs.

the ninth relating to various municipal regulations for conservancy and otherwise;

the tenth relating to municipal markets;

the eleventh relating to the jurisdiction of Commissioners in municipal and other cases;

the twelfth relating to third class municipalities; the thirteenth relating to miscellaneous matters.

3. The following words and expressions in this

Context

Act shall have the several
meanings hereby assigned to
them, except where a different intention shall
appear from the context, (that is to say)—

"Magistrate of the district" means the chief officer charged with the executive administration of a district in criminal matters by whatsoever designation such officer is called.

"Magistrate" means the officer exercising all

"Magistrate." or any of the powers of a

Magistrate, and charged with
the immediate executive administration in criminal matters in any sub-division of a district,
within which any place to which this Act may
be extended may be situated, by whatsoever designation such officer is called. In respect to any
such place which is not situated within a sub-divimion of a district, the powers by this Act conferred
on the Magistrate may be exercised by the Magistrate of the district or by a Joint-Magistrate.

"Sub-divisional officer" means the officer in executive charge of a sub-divisional officer."

"Municipality" means any place to which this
Act or part thereof shall have
been extended. A Municipality created under this Act shall be distinguished as a first class Municipality, or as a second class Municipality, in manner as in the next succeeding section is provided. Any place to

which Part XII of this Act shall have been extended shall be deemed to be a third class Municipality.

"The Commissioners" means the persons
"The Commissioners." appointed or elected by the
rate-payers to conduct the
affairs of any Municipality under this Act, and shall
include ex-officio Commissioners under this Act,

"House." House" includes any hut, shop, or warehouse.

"Place" includes any town, village, hamlet, suburb, bazaar, station, or tract of country.

"Land" includes fields, plantations, and gardens.

"Bazaar" includes any place of trade where there is a collection of shops or warehouses, and any place where a market is held.

"Road." alley or passage, whether a thoroughfare or not, over which the public have a right of way, together with such land (not being private property) whether covered or not by any pavement, verandah, or other erection or structure, as may be between the roadway and the main wall of any house or houses adjacent thereto; and also the roadway over any public bridge or causeway within the place; and the expression "in or near any road" designates any site within the place. Provided that nothing in this section shall be taken to interfere with any easement enjoyed by any person in respect of such land at the date of the passing of this Act.

"Owner" means the person for the time being receiving the rent of the "Owner." land or premises, whether paid in money or in kind, or in charge of the thing in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the rent if such land or premises were let to a tenant. Provided that no person receiving the rent of land or premises as agent for another person shall be liable to make any outlay by this Act required to be made by the owner of such and or premises in excess of the amount of the funds, or of the value of the produce belonging to the owner which he may have in his possession; nor shall he be subject to any penalty if he can prove that he has made the outlay required to the extent of such funds.

"Official year" means the year beginning on the first day of April, or such other date as may hereafter be fixed by the Lieutenant-Governor at Bengal by notification in the Calcutta Gasette.

4. All the previsions of this Act, except those contained in Part XII, shall have effect in any place not being within the limits of the southern portion of Hashing as defined by Act V of 1868 (passed by the Lieutenant-Governor of Bengal in Council), to white the Lieutenant-Governor of Bengal into white the Lieutenant-Governor of Bengal into white same, and from such data as may by histille as the lieutenant for the southern portion of Hashing and the lieutenant for the lieutenant fo

by notification in the Calcutta Gasette. Provided that every such notification shall specify such provisions of Parts IX and X of this Act as are thereby extended to such place, and all provisions contained in the two last mentioned parts as are not specially mentioned in the said notification shall be deemed to be of no force or effect whatever in the place to which such notification applies. From and after the date mentioned in the said notification such place shall be deemed and taken to be created a Municipality for the purposes of this Act; and it shall be lawful for the Licutenant-Governor to define the limits of such Municipality, and from time to time to alter or amend such definition, and the Lieutenant-Governor shall declare at the time of extending the said Act to such place, whether the same shall, for the purposes of this Act, be a first class or a second class Municipality, and may at any time thereafter by notification alter the class. The Lieutenant-Governor may further, from time to time, by notification in the Calcutta Gazette, declare to be united for the purposes of this Act, any number of towns or villages or parts thereof; provided that no portion of this Act shall be extended to any village inhabited by persons more than one-half of whom may be employed in agriculture only, or dependent for support on lands so employed, or habitually exercising trades and occupations only for the use of persons so employed, except the provisions of Parts XII and XIII of this Act. All the provisions of Parts XII and XIII of this Act shall have effect in any place to which the same may be extended by the Lieutenant-Governor or by any officer empowered in that regard under Section 202 of this

Beyond of certain Acts.

Repeal of certain Acts.

The next preceding section, the provisions of the Acts named in Schedule (A) hereto annexed shall cease to have effect therein, except as to any assessment made, or as to any act done, or as to any liability incurred, or as to any money due, or as to any proceedings thereto-fore commenced. Provided that the repeal by this Act of any enactment shall not affect any Act in which such enactment has been applied or referred to. And all references made to any of the Acts named in the said schedule in subsequent Acts, orders or contracts, shall be read, so far as the context will allow, as if made to this Act.

6. All lands, buildings, works, and heredita-

All the property and rights of action of the Municipal Commissioners appointed under Acts mentioned in Schedule (A) vested in the Commissioners appointed under this Act.

ments, utensils, materials, books, plans, maps, papers, effects, securities, and monies whether derived under the Acts mentioned in Schedule (A) appended to this Act, and

other property, movable and immovable, of what nature or kind soever, and all interest therein, whether vested, contingent, or in remainder which shall, on the date on which this Act shall take effect in such town, be vested in, or held in trust for, the Commissioners or Committee appointed under any of the said Acts, who shall hereafter in this Act be designated the late Commissioners, or which would have been vested in, or held in trust for, such Commissioners but for the passing of this Act; and all such cetate and interest of and in the same respectively as shall then be, or would have been in, or in trust for, the said late Commissioners or any of them, with all rights of way and other rights

and easements now used and enjoyed by the said Commissioners shall, on and from the date when this Act comes into operation in such town, be vested in the Commissioners under this Act and their successors; and all persons who shall then owe any money to the late Commissioners, or to any person on their behalf, shall pay the same to the Commissioners under this Act, or as they shall direct: and all monies which shall be then due, and owing by, or recoverable from, the late Commissioners, shall be paid by, or be recoverable from, the Commissioners; and all contracts, agreements, mortgages, bonds, covenants, and securities made or entered into before this Act comes into operation to, with, or in favor of, or by, or for, the said late Commissioners, or any of them, or any person on behalf of such late Commissioners; and all rights of action and suit arising out of contract or otherwise-shall take effect, and may be proceeded on and enforced, as far as circumstances will admit, in favor of, by, against, and with reference to the Commissioners under this Act in such manner as the same would have taken effect, and might have been proceeded on and enforced in favor of, by, against, and with reference to the said late Commissioners, or any of them, if this Act had not been passed.

7. No action, suit, prosecution, or other pro-Actions, &c., by or sgainst ceeding whatsoever, com-Commissioners notto abute, menced or carried on either by or against the late Com-missioners previously to the coming into operation of this Act, shall abate, or be discontinued, or prejudicially affected by this Act, but shall continue and take effect both in favor of and against the Commissioners, in the same manner in all respects as the same would have continued and taken effect in relation to the late Commissioners, or any of them, if this Act had not been passed: and all decrees and orders made, and all fines and penalties imposed and incurred, respectively, previously to the coming into operation of this Act, shall and may be enforced, levied, recovered, and proceeded for, and all administrative proceedings commenced previously to the coming into operation of this Act shall and may be continued, proceeded with, and completed in such or the like manner as if this Act had not been passed, the Commissioners under this Act being, in reference to the matters aforesaid, in all respects substituted for the late Commissioners.

PART II .- MUNICIPAL AUTHORITIES.

Chapter 1.

Municipal Commissioners.

8. In any Municipality created under Part I of this Act, the Lieutenant-Governor shall, if the same shall have been declared by him to be a first class Municipality, and the said Lieutenant-Governor or any officer whom the Lieutenant-Governor may authorize in that behalf shall, if the same shall have been declared by the said Lieutenant-Governor to be a second class Municipality, from time to time appoint or cause to be elected, in manner as hereinafter provided, not more than seven and not less than three persons to be Commissioners for carrying out in such Municipality the purposes of this Act.

No person shall be appointed a Commis-Qualifications of Com. sioner or a Member of a Ward Committee under this Act missioners and memi Ward Committees. Ward Committees. in any Municipality, who does not either reside or hold land or buildings therein or within five miles from any part of the limits thereof: provided also that when the mode of municipal taxation to be adopted therein shall have once been determined, no person shall be appointed therein a Commissioner or member of a Ward Committee who does not pay municipal taxes to the Commissioners thereof. Subject to the provisions of Section 12 every person so appointed shall continue in office three years, or until his successor shall have been appointed, and shall be eligible for reappointment. The Lieutenant-Governor may from time to time accept the resignation of any such Com-

Their removal. signation of any such Commissioners or Commissioner, or may remove any such Commissioners or Commissioner for misconduct or neglect of duty, add to their number, and fill up vacancies occurring among them.

- 10. In addition to the Commissioners to be appointed or elected as aforesaid, the Magistrate of a district and the Magistrate in charge of a sub-division of a district, shall be ex-officio Commissioners of every Municipality situated within their respective jurisdictions, and it shall further be competent to the Lieutenant-Governor to appoint as a Commissioner of any such Municipality any officer in the service of Government holding a salaried office in the district in which the same is situate: provided that not more than one-third of the whole number of Commissioners shall be persons holding salaried offices in the service of Government, unless such persons be elected to be Commissioners under any of the provisions in this Act contained.
- If at any time it shall appear to the Lieutenant-Governor of Ben-Election of Commission-ers by the rate-payers. gal to be advisable that a certain number of the Commissioners of any Municipality shall be elected by the rate-payers, it shall be competent to the said Lieutenant-Governor to take measures for the election of such Commissioners by the rate-payers, subject to such rules in regard to qualification, election, and discharge, as he may think fit. Subject to the provisions of Section 12 the persons so elected shall continue in office for the term of three years, or until their successors have been elected, and shall be eligible for re-election. The Lieutenant-Governor may from time to time accept the resignation of any of the Commissioners so elected, or may remove any of such Commissioners for misconduct or neglect of duty, and may provide for filling up vacancies by election.
- Rotation of members. Ward Commissioners or any Ward Committee shall be for the first time appointed or elected in any Municipality, such number of the members thereof as the Commissioner of the Division may determine, and being not more than one-third of the whole, shall retire at the end of one year, and another equal number at the end of two years, and the rest at the end of three years, to be computed from the first day of the official year next following the date of the appointment or election of such Commissioners or Committee. The members who shall retire at the end of the first and

second years respectively shall be decided by lot. But the ex-officio members appointed under Section 10 of this Act shall not be liable to retirement under this Section. Any person appointed or elected to a vacancy caused by the withdrawal, or removal, or death of another member shall fill such vacancy for the unexpired remainder of the term for which the outgoing member, may have been elected or appointed. The Chairman shall keep a roll in

Seniority of members. Which the names of the Commissioners shall be entered in order of seniority according to the dates of their appointment or election. In case of two or more Commissioners being appointed or elected on the same day, the Chairman shall decide the order of seniority between them.

Appointment of Chairman and Vice-Chairman.

Appointment of Chairman.

Appointment of Chairman of the Chairman of the purpose, shall be ex-officio Chairman of the Commissioners for any Municipality situate within the district or sub-division under his charge. The Commissioners shall elect their own Vice-Chairman, who shall hold office for one year from the date of his election, and who shall be eligible for re-election at the end of such year.

14. The Commissioners shall have and use a common seal, and shall have their names engraved thereon in legible characters in the English language, and also in the vernacular language of the district. All contracts entered into in respect of any sum exceeding twenty rupees shall be in writing, and shall be sealed with the common seal of the Commissioners, and on their behalf, in the presence of at least two of the Commissioners, one of whom shall be the Chairman, or in the absence of the Chairman, the Vice-Chairman, who shall certify the same by affixing their signatures as witnesses at the foot of the instruments. All such contracts shall be varied or discharged in a similar manner.

The Commissioners shall sue and be sued in the name of their Chairman by the description of "The Chairman of the Commissioners of the Commissioners of the Commissioners of the Commissioners incorporate and in the name of their Chairman of the Commissioners of "The Chairman of the Commissioners of

CHAPTER 2.

Property and Contracts of the Commissioners.

Public streets, &c., (not being private property) vested in the Commisconers.

Act comes into operation, or which shall afterwards be made, and the paraments, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets, shall vest in and belong to the Commissioners and their successors. But it shall be competent to Gessenment from time to time, by notification, to exclude any local street from the operation of the Rot. And it cancel such notification wholly or in page.

17. It shall be lawful for the Commissioners Commissioners may with

consent of owners take over and repair certain streets.

to agree with the person or persons in whom the property in any street is vested, to take over the property there-

in, and after such agreement to declare, by notice in writing put up in any part of such street, that the same has become a public street. Thereupon such street shall vest in the Commissioners and their successors, and shall thenceforth be repaired and kept up out of the Municipal Fund.

18. All or any hospitals, dispensaries, schools, hospitals, rest-houses, markets, tanks, Existing hospitals, schools, rest-houses, &c., to be vested in the Commissioners. and wells, not being private property, or the property of

a religious institution or society, and all medicines, furniture, and other articles appurtenant thereto, not being private property, which at the time this Act comes into operation in any town, shall be found therein. may, by notification of the Lieutenant-Governor, be vested in the Commissioners, and thereupon all endowments or funds belonging to such hispitals, dispensaries, schools, or rest-houses shall be transferred to and vested in the Commissioners as trustees, to hold and apply the same to the purposes to which such endowments and funds were lawfully applicable at the time of such transfer. Provided always that no such notification shall be issued until one month after the intention to transfer such property shall have been notified in English and in the vernacular language of the district in such manner as the Lieutenant. Governor shall from time to time direct.

19. The Commissioners may agree with the Power to purchase and owners of any land for the purchase thereof for the purposes of this Act, and may sell any land not required for such purposes either together or in parcels, and the process of such sale shall be applied for the purposes of this Act.

When the Commissioners may unable to agree with the Mode of ascertaining compensation for land, &c. owner of any land for the purchase thereof, the Lieutenant-Governor of Bengal may, upon representation of the Commissioners, and after such enquiry as may be thought proper, declare that the land is needed for a public purpose, and may order proceedings for obtaining possession of the same for the Government, and for determining the compensation to be paid to the parties interested. according to any law now or hereafter to be in force for the acquisition of land for public purposes. On payment by the Commissioners of the compensation awarded, such land snall vest in them for the purposes of this Act.

CHAPTER 3.

Their mode of transacting business.

21. The Commissioners shall keep an office where they shall meet for Commissioners to keep an office for the transaction of business. the transaction of business at least twice in every month, and as often as a meeting shall be called by the Chairman or Vice-Chairman, and all questions which may come before them at any meeting shall be decided by a majority.

The Chairman, or, in his absence, the

Vice-Chairman, shall preside at at every such meeting, and in the absence of both the Chairman and Vice-Chair-

man, the Commissioners shall choose some one of their number to preside. In cases of equality of votes the President shall have a custing vote.

- 23. No business shall be transacted at a meeting unless at least four Commissioners be present.
- 24. In any case of emergency, the Chairman, or, in his absence, the The Chairman or Vice-Vice-Chairman, shall exercise Chairman to exercise, with certain exceptions, the powers of the Commissioners. all the powers vested by this Act in the Commissioners.

Provided that it shall not be lawful for the Chairman or the Vice-Chairman to exercise any power which it is by this Act expressly declared shall be exercised by the Commissioners at a meeting. Any Chairman or Vice-Chairman acting under this section shall inform the Commissioners thereof at the next meeting

25. The Chairman shall from time to

Appointment of over-ers, clerks, and subordi-

held thereafter.

nate officers.

time appoint all such overseers, clerks, and subordinate officers and servants as he may think necessary and

proper to assist in the execution of this Act, and may from time to time remove any of such persons and appoint others in their places. And out of the Municipal Fund he shall pay, or cause to be paid, such salaries to the said persons respectively, as may from time to time be determined by the Commissioners at a meeting; or, in case of absence on leave, such portion thereof as may appear to the Commissioners to be reasonable. He may, with the sanction of the Commissioners, make such rules as he may think fit as to the manner in which, and as to the persons by whom, all duties connected with the collection of the tax or the preparation of the assessment, shall be performed, provided such rules be in all respects consistent with the provisions in this Act contained. Provided that no salary amounting to more than one hundred and fifty rupees a month shall be assigned to any officer or clerk by Municipal Commissioners under this Act without the sanction of the Commissioner of the Division. He shall also take from every collector of Municipal taxes, duties, or tolls, such security for the sums collected by him as he may think proper.

CHAPTER 4.

Ward Committees.

26. It shall be lawful for the Magistrate, Power to appoint Ward on the recommendation of the Commissioners at a meeting, to divide any Municipality into wards, and thereupon there shall be appointed for each ward not less than three persons qualified to be Commissioners, whether such persons be or be not Commissioners for the time being, to be members of the Ward Committee. and the said Magistrate may define the limits of the ward for which any Ward Committee may be appointed or elected. All question regarding the removal, resignation, and filling up vacancies among the members of Ward Committees shall be settled by the Commissioner at a meeting.

Powers of Ward Committee within the limits of their ward, as defined by the Magistrate, all or any of the powers of Commissioners described in Sections 25, 52, 53, 61 to 68 inclusive, 113, 115, and in such sections of Part IX of this Act as shall be in force within the municipality, which the Commissioners at a meeting shall have delegated to them. Sections 21, 22, and 24 of the Act shall, as far as may be convenient, be applicable to Ward Committees.

28. The Chairman of each Ward Committee

Appointment of Chairs shall be appointed by the
man of Ward Committees. Chairman of the Commissioners, and each Ward Committee may, if it see fit,
elect their own Vice-Chairman from among their
own number.

CHAPTER 5.

General Provisions.

29. No Commissioner or member of a

No Commissioner to be personally liable for contracts, &c., but only for wilful misapplication, &c., of money. Ward Committee shall be personally liable for any contract made, or expense incurred by or on behalf of the Commissioners, but the funds, from

time to time in the hands of the Commissioners, shall be liable for, and chargeable with, all contracts and expenses duly incurred as aforesaid. Every Commissioner or member of a Ward Committee shall be personally liable for any wilful misapplication of money entrusted to the Commissioners, to which he shall have been a party, and he shall be liable to be sued for the same.

No Commissioner or member of a Penalty on Commis-oners and others interest-vant of the Commissioners ed in contracts. or Committee, shall be interested, directly or indirectly, in any contract made with the Commissioners. And if any such person be so interested, he shall thereby become incapable of continuing in office or employment, and shall be liable to a fine not exceeding five hundred Rupees. Provided always that no person by being a shareholder in, or member of, any incorporated or registered company, shall be disqualified from acting as a Commissioner or member of a Ward Committee by reason of any contract entered into between such company and the Commissioners. Nevertheless, it shall not be lawful for such shareholder or member to act as a Commissioner or member of a Ward Committee in any matter relating to any contract entered into between the Commissioners and such company.

PART III .- MUNICIPAL TAXATION.

CHAPTER 1.

Power of the Commissioners to impose Taxes, Duties, and Tolls.

Power to impose taxes. sioners of any Municipality at a meeting to impose, within the limits of such Municipality, any one or more of the following taxes, duties, and tolls, at such rate as the Commissioners shall see fit, not exceeding the maximum in any case hereinafter mentioned and prescribed:—But no tax duty or toll imposed by the Commissioners under this section shall

be levied until the sanction of the Lieutenant-Governor shall have been obtained to such levy :--

- (a)—An annual tax on persons residing in or owning property in the Municipality, according to the circumstances and the property to be protected of the persons liable to pay the same. Provided that no person who resides outside the limits of the Municipality shall be assessed according to his circumstances, but only in regard to the property which he possesses within the Municipality; and that the average annual tax on each holding shall not exceed Rs. 4 in Municipalities of the first class, and Rs. 2 in Municipalities of the second class.
- (b)—A tax not exceeding 7½ per cent. on the annual value of houses, buildings, and lands situated within the limits of the Municipality exceeding Rs. 6 per annum, to be paid by the owners thereof.
- (c)—A tax on carriages, horses, and elephants, kept or used within the limits of the Municipality; and a fee on the registration of carts and other vehicles.
- (d)—A tax on trades and callings carried on and exercised within the said limits.
- (e)—A tax on processions, and any public ceremonies not exclusively religious, and requiring the attention of the police, and performed within the said limits.
- (f)—Duties on articles entering the limits of the Municipality, or dues on articles sold at markets or hats, according to a table of rates sanctioned by the Lieutenant-Governor, and subject to such rules and exceptions as the Lieutenaut-Governor shall direct.
- (g) Tolls on vehicles and beasts of burden entering the limits of the Municipality, according to a scale sanctioned by the Lieutenant-Governor; and tolls on ferries within the said limits.

CHAPTER 2.

Taxes on persons.

32. When it shall have been determined that an annual tax on persons Duties of Commissioners according to their circumstances and property shall be imposed under this Act in any Municipality, the Commissioners or the Ward Committee shall prepare an assessment in respect thereof upon the several persons liable to be assessed within the Municipality or Ward for which such Commissioners or Committee shall be appointed, and shall prepare a list which shall specify every parcel of land, house, or other holding on account of the occupation of which any person is liable to be assessed, the name of the person liable to be assessed in respect of each such holding, the trade, business, or other description of such person, and the amount payable quarterly by such person. It a Ward Committee or to the Magistrate to omit from the liet prepared under this section and person who may by them or him he decired too poor to be altered to the tax legislic under this Chapter. shall be competent to the Commissioners as to

- 33. The Commissioners or the Ward Commissioners or the Ward Commissioners so decide, instead of preparing a new assessment for any year, revise and amend the assessment then in force.
- Committee.

 Committee.

 A same, and such Commissioners the same, and, if necessary, amend and settle it.
- Magistrate may amend and settle assessment as made or revised and amend-ed directly by any Commissioners. Sioners shall forward to the Magistrate a list containing the same, and the Magistrate shall examine, and, if necessary, amend and settle it.
- When the assessment in any Municipality shall have been so made and Assessment to be pub-lished. settled as provided by the preceding sections, the Ma-gistrate shall sign the list, and shall cause one copy thereof, together with a notification in the form in Schedule (B) to this Act annexed, or to the like effect, and written in the language of the province in which such Municipality is situate, to be put up in some conspicuous place therein or in the division thereof for which such assessment has been made; and a written copy of the said list to be deposited in his own office. So soon as the copies of the list shall have been so hung up and deposited, public proclamation shall be made throughout such Municipality by beat of a drum notifying that such copies have been so hung up and deposited, and that the copy so deposited in the Magistrate's office is open to inspection.
- Assessment to stand good for three years.

 Shall be valid for three years, and until a new assessment shall be made. In case the occupant of any property included in any assessment shall be changed before a new assessment.

 Change of occupation before a new assessment.

 Change of occupation before a new assessment.

 The performance of such property for any portion of the amount so assessed which shall have become payable during his occupation; and after notification to such person, the Magistrate may cause his name to be substituted in the said list for the name of the former occupant.
- Power to adopt old in Section 37 of this Act, shall be about to expire, notwithstanding anything hereinbefore contained, it shall be lawful for the Magistrate, instead of requiring any Commissioners or Ward Committee to prepare a new assessment, or to revise and amend the assessment then in force, to the year next following.

- 39. If no new assessment be made and published before the expiration of the first three months of any year, for which no assessment valid under the provisions of Section 37 shall be in force, the assessment which was in force at the close of the preceding year shall be deemed to be the assessment for the current year.
- As soon as possible after an assessment shall have been adopt-Notice of adoption of old assessment to be given. ed under Section 38, or shall have taken effect for the current year under the last preceding section, the Magistrate shall, in the manner provided in Section 36 for giving public notice that copies of the list of assessment have been hung up and deposited, give public notice that the assessment in force at the close of the preceding year will continue to have effect during the current year, but it shall not be necessary to hang up fresh copies of such list; and every person whose assessment may be so continued shall be at liberty to appeal against such assessment as if it were a new assessment made upon him.
- Any person who shall have been assessed by any Commissioners, of Appeal from assessment made by Commission whom the Magistrate has not been appointed a member, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property, or his liability to be assessed, may appeal on unstamped paper to such Commissioners at a meeting; and in case such Commissioners shall not grant the prayer of such appeal, such Commissioners shall submit the decision of the matter to the Magistrate, and the Magistrate, after making such inquiries as he may deem necessary, by examination of the appellant on oath or solema affirmation or otherwise, may confirm the assessment or amend the same. In case the Magistrate confirm the assessment, he may order that the appellant shall pay such reasonable costs as may have been incurred in the proceedings on his appeal. The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment, nor shall the liability of any person to be assessed be questioned in any other manner or by any other court. Provided that no appeal shall be received after the expiration of one Limitation of appeal. month from the time of the notification of the assessment prescribed by Sections 36 or 40 or of the notification of the substitution of the name of an occupier under Section 37, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal.
- Appeal against assessment the Magistrate has been appointed a member, and with his assessment, or who shall dispute his occupation of any property or his liability to be assessed, may apply to the Commissioners for a review of the assessment so far as regards himself; and with regard to such applications, the Commissioners at a meeting shall proceed as the Magistrate is directed to proceed in Section 41,